

MEETING NO. 12
REGULAR ADJOURNED

PLEDGE OF ALLEGIANCE

29-32 11) Street Closings, Meters Bagged RochesterFest 2003
-- **APPROVED** --

- 33-36 12) Licenses, Bonds, and Miscellaneous Activities
-- **APPROVED** --
- 37-38 13) Accounts Payable -- **APPROVED** --
- 39-42 14) RPU Request to Increase Shift Differential and Publish Corrected Compensation Provisions for System Operators as Members of RPEA -- **APPROVED** --
- 43-46 15) Robert Schloegel – Termination Hearing -- **APPROVED** --
- 47-48 16) Order Annexation #00-13 Corrective Resolution to Amend Agreement with Cascade Township to include annexing an additional .09 acres
-- **APPROVED** --
- 49-50 17) Contract for Qwest Dedicated Internet Access Services
-- **APPROVED** --
- 51-52 18) Advertise for Bids: (J7206) (J7207) & (J7216) Street Reconstruction on 1st Ave, 4th Ave, 5th Ave, 7th Ave and 5th Street SE
-- **APPROVED** --
- 53-54 19) Owner Construction – Stonehedge Estates Second, Sanitary Sewer & Watermain Extension to Well #37 – J5069
-- **APPROVED** --
- 55-56 20) Advertise for bids to install Emergency Vehicle Preemption (EVP) equipment on traffic signals, J6396 -- **APPROVED** --
- 57-58 21) Engineering Services Contract: (J9708) for Environmental Reporting Services for Overland Drive NW -- **APPROVED** --
- 59-60 22) Real Estate – Settlement for Right of Way Acquisition for Bandel Road J9815 -- **APPROVED** --
- 61-62 23) Real Estate – Settlement for Right of Way Acquisition for Main Street Sewer & Water Project J9799 -- **APPROVED** --
- 63-64 24) Revocable Permit: Quest underground telephone utility line in Lincolnshire Park -- **APPROVED** --
- 65-66 25) Owner Contract – Stormsewer Extension on 3rd Ave SE to Serve Robertson Motors (Lot 1, Block 1, Garden Acres First Replat) – J5085
-- **APPROVED** --
- 67-68 26) Owner Contract – Relocation of Public Utilities in West Center Street from 3rd Ave to 5th Ave, for the Mayo Pedestrian Subway – J5083
-- **APPROVED** --
- 69-70 27) Owner Contract – Basic Construction in Stonebridge – J5061
-- **WITHDRAWN** --
- 71-72 28) Owner Contract – Basic Construction in 41st Street Business Park – J5079 -- **APPROVED** --
- 73-74 29) Owner Contract – Basic Construction in Hawk Ridge – J5040
-- **WITHDRAWN** --

- | | | |
|-------|-----|--|
| 75-76 | 30) | Owner Contract – Watermain Extension/Loop to Serve River Place Apartments – J5002 - - APPROVED - - |
| 77-78 | 31) | Owner Contract – Watermain Extension & Hydrant(s) to Serve New Life Worship Center Phase I – J5048 - - APPROVED - - |
| 79-80 | 32) | First Supplemental Amendment to the Boulder Ridge Development Agreement - - APPROVED - - |
| 81-82 | 33) | Revocable Permit: Placement of a retaining wall within a drainage/utility easement of L2, B3 Rochester Marketplace - - APPROVED - - |
| 83-84 | 34) | Stormwater Management Agreements - - APPROVED - - |
| 85-90 | 35) | Feasibility Report for Sanitary Sewer and Watermain to Serve the Welch Subdivision Area, J9789 - - APPROVED - - |
| 91-92 | 36) | Advertisement of Bids: Sanitary Sewer to Serve Sewer Service Area 28J, J7702 - - APPROVED - - |
| | 37) | Revision to City Ordinance 134.46 – Disabled Vehicles - - APPROVED - - |
| | 38) | Release of Liability Statement - - APPROVED - - |

E) HEARINGS

- | | | |
|---------|----|---|
| 93-94 | 1) | Consider Applications to the Federal Transit Administration for Transit Assistance Funds - - APPROVED - - |
| 95-108 | 2) | Land Use Plan Amendment Petition #03-01 by Jack Remick to amend from Medium Density Residential to Industrial on land located along Industrial Drive NW, south of 19th Street NW and west of Valleyhigh Drive NW. - - APPROVED - - |
| 109-114 | 3) | Zoning District Amendment #03-03 by Jack Remick to amend the zoning from R-3 to M-1 on land located along Industrial Drive NW, south of 19th Street NW and west of Valleyhigh Drive NW - - APPROVED - - |
| 115-132 | 4) | Amendment to General Development Plan #113 known as Rochester Athletic Club by Jack Remick - - APPROVED - - |
| 133-158 | 5) | Land Subdivision Permit #03-12 to be known as Wedgewood Hills Seventh by Leslie A. Lurken - - APPROVED - - |
| 159-168 | 6) | Final Plat #03-10 to be known as Badger Village Townhomes by Badger Development II LLC - - APPROVED - - |
| 169-174 | 7) | Final Plat #03-15 to be known as Sunset Trail by Investors Real Estate Trust - - APPROVED - - |
| 175-184 | 8) | Tex Amendment #03-03 initiated by the City Planning and Zoning Commission to amend Section 60.506. This amendment addresses permit approval and current zoning or related violations - - APPROVED - - |

F) REPORTS AND RECOMMENDATIONS

G) RESOLUTIONS AND ORDINANCES
185-186

H) TABLED ITEMS

I) OTHER BUSINESS

J) ADJOURNMENT

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5/19/03

AGENDA SECTION:
OPEN COMMENT PERIOD**ORIGINATING DEPT:**
CITY ADMINISTRATOR**ITEM NO.**
A**ITEM DESCRIPTION:** OPEN COMMENT PERIOD**PREPARED BY:**
S. KVENVOLD

This agenda section is primarily for the purpose of allowing citizens to address the City Council on a topic of their choice. The following guidelines apply:

- This section of the agenda may not be used as a forum to continue discussion on an agenda item which has already been held as a public hearing.
- This agenda section is limited to 15 minutes and each speaker is limited to 4 minutes.
- Any speakers not having the opportunity to be heard will be first to present at the next Council meeting.
- Citizens may only use this forum to address the Council on a maximum of one time per month.
- Matters currently under negotiation, litigation or related to personnel will not be discussed in this forum.
- Questions posed by a speaker will generally be responded to in writing.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5/19/03

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AGENDA SECTION:

Letters and Petitions

ORIGINATING DEPT:

City Clerk

ITEM NO.

C-1

ITEM DESCRIPTION: Petition for Extension of Public Utilities and Street in Hartman Farms**PREPARED BY:**

Judy Scherr

Roger Carlsen, owner of the property called West 19 Development lying west of the Hartman Farm property on 19th Street N.W., is requesting that the City to extend public utilities and the street through the Hartman Farm property to serve the West 19 Development in Cascade Township.

COUNCIL ACTION REQUESTED

A motion to adopt the resolution referring the petition from Roger Carlsen for Extension of Public Utilities and Street in Hartman Farms to the Public Works Department for a feasibility study.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

4

Judy.

May 05, 2003

Honorable Mayor and Common Council
City of Rochester
c/o Ms. Judy Scherr
City Clerk
201 SE 4th St. – Rm. 135
Rochester, MN 55904

RE: Petition for Extension of Public Utilities and Street in Hartman Farms

Dear Mayor and Council Members:

I am the owner of the property called West 19 Development lying immediately west of the Hartman Farm property on 19th Street NW, in Section 29 of Cascade Township. My property is currently being planned for development on municipal services. Therefore, I am formally filing this petition with the City of Rochester to extend public utilities and street through the Hartman Farm property from their existing location at Heartland Drive NW to serve the West 19 Development.

Attached is a sketch of the proposed West 19 Development and a portion of the General Development Plan of Hartman Farms that provides the location of existing public utilities and streets.

If you have any questions or need additional information, please contact me.

Respectfully yours,

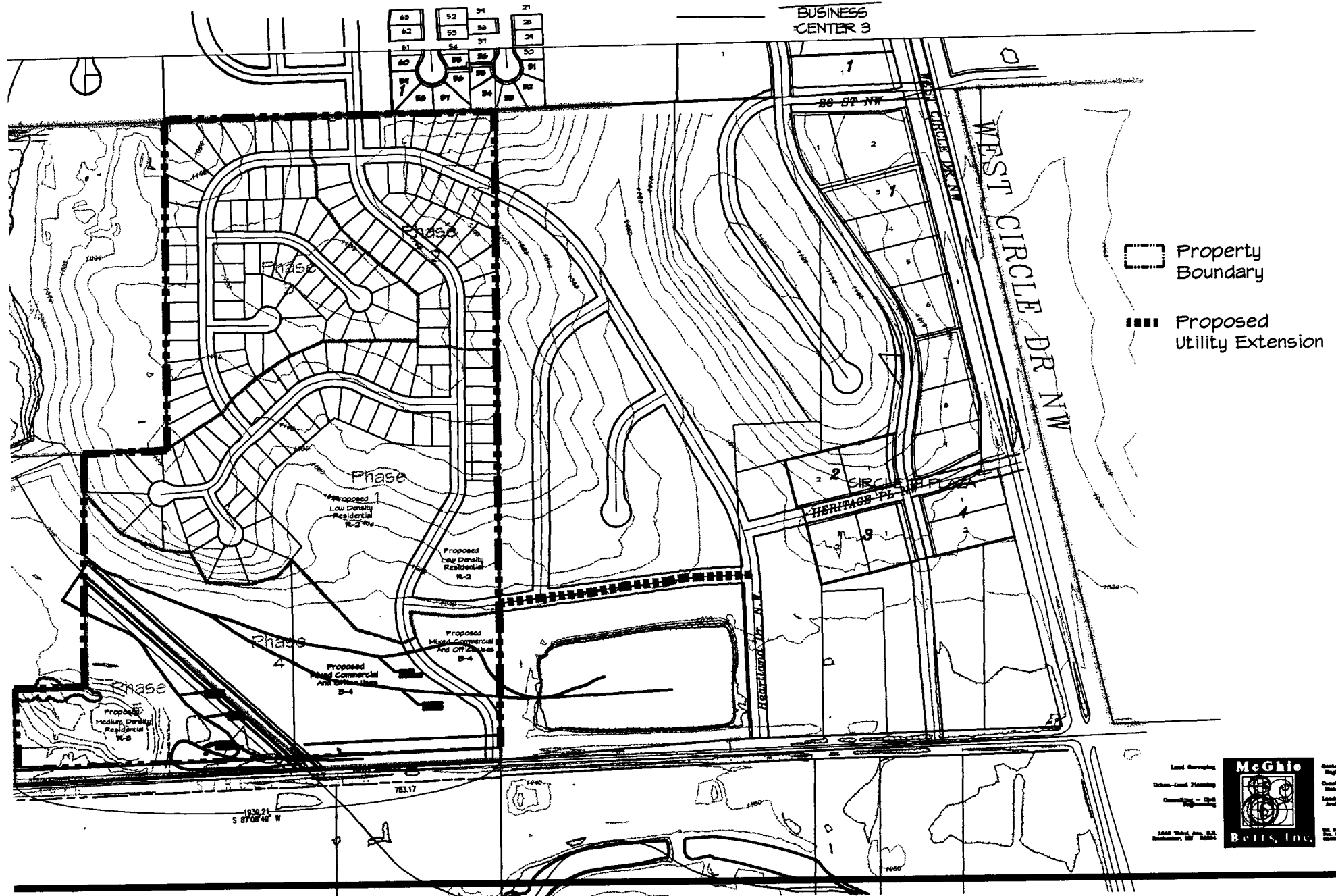
West 19 Development



Roger Carlsen

Attachment

EXHIBIT "A"



Land Surveying
 Urban-Land Planning
 Engineering
 Consulting
 1000 West Ave. S.E.
 Atlanta, GA 30316

McGhie
 Surveying
 Engineering
 Planning
 Consulting
 1000 West Ave. S.E.
 Atlanta, GA 30316

Betts, Inc.
 1000 West Ave. S.E.
 Atlanta, GA 30316

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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5/19/03

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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY ADMINISTRATOR	ITEM NO. D-1-36
ITEM DESCRIPTION: APPROVAL OF CONSENT AGENDA ITEMS		PREPARED BY: G. NEUMANN

This RCA lists all the items which have been included in the consent agenda for this meeting. The Council can approve all of the items with a single motion to approve. The Council President will allow the Councilmembers an opportunity to state whether there are any of these items which you wish to have removed from the consent agenda approval and to have them discussed and acted upon separately by the Council.

The consent agenda for this meeting consists of the following RCAs:

- 1) Approval of Minutes
- 2) Cascade Lake Planning Advisory Task Force
- 3) Bid Award First Street Ramp Expansion
- 4) Sound Amplification Permit
- 5) Decertification of TIF District #5-1 (Quest International) and termination of Development Agreement dated August 2, 1994, between City and Indopco, Inc. (Quest)
- 6) Amending RCO Chapter 50 to Adopt the New Minnesota State Building Code
- 7) Request to set public hearing for charter amendment by ordinance – clarification of board member removal process
- 8) Revocable Permit – Chester Berry Farm Produce Stand
- 9) Annexation of Baihly Estates Park Property in Haverhill Township
- 10) RochesterFest Activities
- 11) Street Closings, Meters Bagged RochesterFest 2003
- 12) Licenses, Bonds, and Miscellaneous Activities
- 13) Accounts Payable
- 14) RPU Request to Increase Shift Differential and Publish Corrected Compensation Provisions for System Operators as Members of RPEA
- 15) Robert Schloegel – Termination Hearing
- 16) Order Annexation #00-13 Corrective Resolution to Amend Agreement with Cascade Township to include annexing an additional .09 acres
- 17) Contract for Qwest Dedicated Internet Access Services
- 18) Advertise for Bids: (J7206) (J7207) & (J7216) Street Reconstruction on 1st Ave, 4th Ave, 5th Ave, 7th Ave and 5th Street SE
- 19) Owner Construction – Stonehedge Estates Second, Sanitary Sewer & Watermain Extension to Well #37 – J5069
- 20) Advertise for bids to install Emergency Vehicle Preemption (EVP) equipment on traffic signals, J6396

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

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Request for Council Action

Page 2

May 19, 2003

- 21) Engineering Services Contract: (J9708) for Environmental Reporting Services for Overland Drive NW
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- 31) Owner Contract – Watermain Extension & Hydrant(s) to Serve New Life Worship Center Phase I – J5048
- 32) First Supplemental Amendment to the Boulder Ridge Development Agreement
- 33) Revocable Permit: Placement of a retaining wall within a drainage/utility easement of L2, B3 Rochester Marketplace
- 34) Stormwater Management Agreements
- 35) Feasibility Report for Sanitary Sewer and Watermain to Serve the Welch Subdivision Area, J9789
- 36) Advertisement of Bids: Sanitary Sewer to Serve Sewer Service Area 28J, J7702

COUNCIL ACTION REQUESTED:

Motion to approve consent agenda items

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5/19/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Administration	ITEM NO. D-2
ITEM DESCRIPTION: CASCADE LAKE PLANNING ADVISORY TASK FORCE		PREPARED BY: G. NEUMANN

Since we are beginning to take some major steps in the development of Cascade Lake and have acquired the land needed for the trailway system, it would be useful to form two different groups to assist the staff and consultants in providing recommendations to the Mayor and Council as the final decision-makers on the plans for Cascade Lake. The first group is a technical group to work with the consultants on technical matters relating to water quality studies, mining, flood control wetland mitigation, and design issues. That body would consist of staff from various departments and other technical bodies. This would involve the following individuals: Park and Recreation – Denny Stotz; Public Works – Richard Freese, Mike Nigbur, Barb Huberty; Planning – John Harford; Administration – Gary Neumann; Department of Natural Resources representative, and an Olmsted Soil and Water Conservation District staff member.

In addition, a planning review body to help guide the physical planning and development of this major recreational resource is also recommended to be established. In 1985, we formed the Riverfront Task Force as a planning and advisory body to the City Council for the planning and development of the Flood Control Project. That body was very useful as an initial sounding board for the review of plans for the project and recommendations to the Council on the allocation or limitations of funding resources.

I believe that the main charge and responsibility of the Task Force, as it developed over the years, was item (c) "Serve as a central committee to provide recommendations relating to riverbank amenities and improvements to be discussed with the Corps of Engineers for incorporation into the South Fork Zumbro River Flood Control project".

The staff believes that it would be useful to form such an Advisory group to provide recommendations to the Council and to provide for some input by affected neighborhoods. The water quality of Cascade Lake is also affected by the total flow from the watershed. The majority of the flow comes from both Salem and Kalmar Townships. The staff is suggesting a representative from each of those townships be invited to participate. The following is the suggested membership for the Cascade Lake Planning Advisory Task Force.

1. Park Board member (Chair)
2. CUDE Representative
3. Planning Commission Rep.
4. Twp. Board Reps. From Salem and Kalmar.
5. Olmsted County Commissioner Representative
6. Zumbro/Shorewood Addition Rep. (Mayor appointed)
7. Manorwoods Lakes Rep. (Mayor appointed)
8. Interlachen Rep. (Mayor appointed)
9. Olmsted Soil and Water Conservation District Rep.
10. Chamber of Commerce appointee
11. Mayor's At Large Appointee (Mayor would like to appoint Chuck Canfield)

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

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Cascade Lake Planning
Advisory Task Force

Page 2

May 19, 2003

EX Officio - Mayor Brede, Council President Hunziker, Ward Councilmember from Cascade Lake Marcoux

The main purpose of the task force would be to review and provide recommendations to the City Council on the consultant reports and design plans for the development of Cascade Lake as a recreational resource.

COUNCIL ACTION REQUESTED:

Approval to establish the Cascade Lake Planning Advisory Task Force.

REQUEST FOR COUNCIL ACTION

MEETING 11

DATE: 5/19/03

AGENDA SECTION: Consent	ORIGINATING DEPT: Administration	ITEM NO. D-3
ITEM DESCRIPTION: Bid Award 1 st St. Ramp Expansion		PREPARED BY: Doug Knott <i>DK</i>

The City received the following bids for the 1st Street Ramp expansion project:

Bidder/Amount

Knutson Construction	\$1,398,450
Thor Construction	\$1,419,069
Benike Construction	\$1,467,700
Penn-Co Construction	\$1,510,000
Schroeder/Leverington	\$1,579,000
Borson Construction	\$1,617,000

The scope of work for the project was expanded during the design process. In addition to the new level on the ramp, the bid amounts shown above include the support columns for the south end of the Broadway Plaza skyway bridge (this is a city obligation in the redevelopment contract) and the retrofitting of the existing guard rail around the perimeter of the ramp to bring it up to code for height and rail spacing. The engineer's estimate for the work was \$1,800,000. A condition report for the ramp prepared for the Public Works Department found that existing lighting levels do not meet current standards and recommended that they be upgraded. New lighting was included in the bid documents as a deduct alternate (meaning that the cost is built into the bids). Knutson Construction is the low bidder. They were the general contractor for the city for the Third Street Ramp. They were also the general contractor for the latest Mayo ramp. Staff recommends award of the bid to Knutson. The project will be paid for from parking enterprise funds.

AGA, the engineer for the project, is entitled to additional compensation for the expanded scope of work. The additional services will add \$7,700 to their design contract.

Council Action Requested:

- 1) Award of bid in the amount of \$1,398,450 for the 1st Street Ramp expansion project to Knutson Construction with the Mayor and Clerk authorized to sign contract documents
- 2) Approval of \$7,700 in additional compensation to AGA for changes in the scope of design.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

13
MEETING

DATE: 5/19/03

AGENDA SECTION: Consent	ORIGINATING DEPT: Administration	ITEM NO. D-4
ITEM DESCRIPTION: Sound Amplification Permit		PREPARED BY: Doug Knott

Alfonso Burga/Ecuador Manta submitted an application to the City Clerk's office for a sound amplification permit to provide free music in the Peace Plaza, Wednesday through Friday, between 10:30 AM to 12:30 PM, from May through September. Mr. Burga leads a trio that plays Ecuadorian flute music and uses a small amplifier. While the music is free, the trio accepts tips and has CD's of their music available for sale.

This is the first application of this type for the Peace Plaza. The Development District office encourages entertainment in the Peace Plaza. We are suggesting approval on a limited basis with the approval conditions outlined below. They are acceptable to Mr. Burga.

COUNCIL ACTION REQUESTED:

Approval of the request with the following conditions:

- 1) The use of the Peace Plaza by Mr. Burga be limited to one day per week.
- 2) The approval be granted on a month to month basis with the City Clerk given authority to reapprove each month.
- 3) The approval is limited to the non-sidewalk area of the Peace Plaza.
- 4) In the event the Peace Plaza is needed for a community event, the community use would take precedence.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

15-
MEETING

DATE: 5/19/03

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: City Administration	ITEM NO. D-5
ITEM DESCRIPTION Decertification of TIF District # 5-1 (QUEST INTERNATIONAL) and termination of Development Agreement dated August 2, 1994 between City and Indopco, Inc. (Quest)		PREPARED BY: T. Spaeth

On June 6, 1994, the Council approved the City's Tax Increment Financing District No. 5-1 and also entered into a Development Assistance Agreement dated as of August 2, 1994, with Indopco, Inc., a Delaware Corporation (Quest International), pursuant to which the Company agreed to construct a 33,000 square foot expansion to the Company's existing food additive and manufacturing facility by December 31, 1995.

The Company completed the "Improvements" by December 31, 1995, as required under the provisions of Section 3.1 of the Development Assistance Agreement. The City provided \$465,000 in "pay as you go" tax increment reimbursements to the Company as required under the provisions of Section 3.2 of the Development Assistance Agreement. The obligations of both parties to the Development Assistance Agreement have been fulfilled, and there is no longer a need to keep this TIF District open.

Council Action Requested:

Adopt the prepared resolution decertifying TIF District # 5-1 and terminating the Development Assistance Agreement dated August 2, 1994 between the City of Rochester and Indopco, Inc.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5/19/2003 17

AGENDA SECTION: Consent	ORIGINATING DEPT: Building Safety	ITEM NO. D-6
ITEM DESCRIPTION: Amending RCO Chapter 50 to Adopt the New Minnesota State Building Code		PREPARED BY: Ron Boose

A new State Building Code (SBC) went into effect on March 31st of this year. The city is mandated to enforce the SBC without amendment, however; there are some optional chapters within the SBC that the city may choose whether or not to adopt and enforce. These options were discussed at the Committee of the Whole meetings of March 31st and May 12th with comments and recommendations received from city staff and members of the construction and development industry. The consensus of the committee was to adopt the optional provisions regarding grading and not the optional provisions regarding additional fire sprinkler requirements and floodproofing.

COUNCIL ACTION REQUESTED:

Motion to instruct the City Attorney to prepare an ordinance amending chapter 50 of the Rochester Code of Ordinances to adopt the 2003 State Building Code including only the optional chapter regarding grading. A further request is made to suspend the rules and give this ordinance its first and second reading at the same meeting.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 5/19/03

19

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: CHARTER COMMISSION	ITEM NO. D-7
ITEM DESCRIPTION: Request to set public hearing for charter amendment by ordinance – clarification of board member removal process.		PREPARED BY: Charter
<p>The Charter Commission proposes that the City Council amend Subdivision 4 of Section 7.03 of the Rochester Home Rule Charter, to clarify that it is the City Council that shall hold a public hearing and determine if a "charter board" member should be removed based upon a citizen petition.</p> <p>In 1999, the Charter Commission proposed a process for the removal of board members that was adopted by ordinance approved by the City Council. For charter boards (park, library and utility), the process includes removal by action initiated by the board, or by petition filed by not less than 50 registered voters of the City. It was the Charter Commission's intent that the latter process result in a hearing before the City Council, and that the City Council would make the determination if cause existed for the removal. However, the manner in which this subdivision was drafted does not clearly identify this as the process to be followed. It is the Charter Commission's belief that this decision should be made by the City Council who is the appointing authority and who is ultimately responsible to the voters. The proposed amendment reads as follows:</p> <p>Subd. 4. (Petition for Removal of Board Member). Whenever 50 or more registered voters of the City of Rochester shall file with the City Council a petition demanding the removal of an appointed board or commission member, and setting forth the facts upon which such demand for removal is based, the City Council shall, upon notice to the board or commission member whose removal is sought, schedule and hold a public hearing to review the basis for such demand. The Council shall provide the member whose removal is sought with a copy of the petition and shall also provide a reasonable opportunity to be heard in person or by counsel in his own defense at the hearing. For charter board members, the Council shall not remove the board member except for cause. For charter board members, the Council shall not remove the board member except for cause. For non-charter boards and commissions, the City Council shall determine whether the best interests of the City are served by the removal.</p> <p>Under Minn. Stat. §410.12, subd. 7, amendments to the charter may be made by ordinance upon recommendation by the charter commission. Amendment of a charter may be made only after a public hearing upon two weeks' published notice containing the text of the proposed amendment. Following the hearing, the council may adopt the ordinance amending the charter by affirmative vote of all its members subject to the public's right to object by petition.</p> <p><u>COUNCIL ACTION REQUESTED:</u> By motion, direct the City Clerk to publish notice of a public hearing to be held Monday, June 16, 2003, at 7:00 p.m., to consider the proposed amendment by ordinance. Following that hearing, the council may adopt the proposed ordinance upon affirmative vote of all members present.</p>		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 5/19/03

21

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: City Clerk	ITEM NO. D-8
ITEM DESCRIPTION: Revocable Permit - Chester Berry Farm Produce Stand		PREPARED BY: Judy Scherr

Last year the City issued a revocable permit to Ron Dickie (owner and operator) of the Chester Berry Farm to place a produce stand within the City right-of-way between TH63 and the West Frontage Road in front of the Fleet Farm store. Mr. Dickie is asking for the issuance of the permit again this year.

Public Works, Planning and Administration have been contacted and find no difficulties in approving the revocable permit subject to the following conditions as applied last year.

1. That no parking is to take place within 50 feet of the stop sign located at the intersection of the West Frontage Road and 36th Street SW. (This is to be marked with no parking signs.)
2. That the produce stand is not placed at that location prior to May 1st of each year, and must be removed from that location no later than October 1st of each year.

COUNCIL ACTION REQUESTED

A motion to adopt the prepared resolution approving a revocable permit for a produce stand owned and operated by Ron Dickie to be located in front of Fleet Farm subject to the two conditions as noted and using the standard language conditions.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5/19/03

23

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: City Clerk	ITEM NO. D-9
ITEM DESCRIPTION: Annexation of Baihly Estates Park Property in Haverhill Township		PREPARED BY: Judy Scherr
<p>On December 7, 1998, the City annexed two pieces of land in Haverhill Township. One 13+ acre parcel was for Arnold Bomgaards. The other 4.43-acre parcel was a strip of land to the south of the Bomgaards property known as Baihly Estates Park. This piece of land is a ravine that now contains a storm water detention pond.</p> <p>The second 4.43 parcel was never given a first reading at that meeting or followed up at future meetings. There may have been a problem with the legal description of the property at that time. The Planning Department, in updating their zoning map, found that the property was still in the county. The property is now surrounded by the city limits and needs to be annexed to the city.</p> <p>This property will come in zoned R-1.</p> <p><u>COUNCIL ACTION REQUESTED</u></p> <p>A motion approving the annexation of 4.43 acres of land in Section 19 of Haverhill Township known as Baihly Estates Park property and instructing the City Attorney to prepare the required ordinance for adoption.</p>		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

CONWAY ROC DASHOW EX. H. C. SUBDIVISION

UNPLATTED (6.42 ACRES)

PHASE 2

~~PHASE 1~~

ROCKY CREEK DR.

ST CIRCLE DRIVE

C.S.A.H.

BATHLY ESTATES Park

PHASE 4

~~PHASE 5~~

~~PHASE 6~~

~~PHASE 3~~

~~PARK AREA~~

NORTHERN HEIGHTS

EAST ELEVENTH
SUBDIVISION

UNPLATTED

~~BLOCK~~

OUTLOT "A"

UNPLATTED

26TH ST.

UNPLATTED

NORTHERN HEIGHTS EAST
EIGHTH SUBDIVISION

NORTHERN HEIGHTS
EAST TENTH
SUBDIVISION

VIOLA HEIGHTS DR. N.E.

26TH ST.

UNPLATTED

GENERAL DEVELOPMENT PLAN
NORTHERN HEIGHTS, NORTH
ROCHESTER, MINNESOTA

YAGGY
COLBY
ASSOCIATES

ENJOY • 45 • ARCHITECTS
SURVIVORS • PLANNERS
LANDSCAPE ARCHITECTS

PROJECT NUMBER 01-04/96
 COMOUTB 1KM/6AS
 PL 47485 DMC

David F. McLaughlin

1



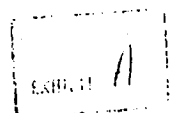
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25

That part of the South Half of the Southwest Quarter of Section 19, Township 107 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Beginning at the southwest corner of said Southwest Quarter; thence easterly on a Minnesota State Plane Grid Azimuth from north of 89 degrees 08 minutes 53 seconds along the south line of said Southwest Quarter 1259.94 feet to the southeast corner of the Southwest Quarter of said Southwest Quarter; thence northwesterly 344 degrees 14 minutes 25 seconds azimuth 103.48 feet; thence westerly 269 degrees 08 minutes 53 seconds azimuth 525.00 feet; thence westerly 291 degrees 29 minutes 48 seconds azimuth 296.16 feet; thence westerly 269 degrees 08 minutes 53 seconds azimuth 436.36 feet to the west line of said Southwest Quarter; thence southerly 178 degrees 37 minutes 23 seconds azimuth along said west line 212.62 feet to the point of beginning.

Said tract contains 4.34 acres more or less.



24

RECORD OF OFFICIAL PROCEEDINGS OF THE COMMON COUNCIL
CITY OF ROCHESTER, MINNESOTA

Regular Council Meeting No. 34 – December 7, 1998

5425

Agenda Item	
<p>X</p>	<p>Councilmembers Senjem moved, Evans seconded, to approve Annexation by Ordinance Petition #98-15 by Arnold Bomgaars and instruct the City Attorney to prepare the required ordinance for adoption. Ayes (7), Nays (0). Motion carried.</p> <p>Councilmembers Evans moved, Senjem seconded, to approve annexation of the park located to the south of the Arnold Bomgaars property and instruct the City Attorney to prepare the required ordinance for adoption. Ayes (7), Nays (0). Motion carried.</p>
D-9	<p>A Hearing on Type III, Phase II Land Subdivision Permit #98-30 by Arnold Bomgaars to be known as Northern Heights North 3rd Subdivision located south of Rocky Creek Drive, west of East Circle Drive.</p> <p>Wishing to be heard was Wade Dumond, Yaggy-Colby, representing the applicant. Mr. Dumond noted that conditions 2, 3 and 4 have been complied with and can be removed; they are in agreement with the remaining conditions.</p> <p>Councilmember Evans asked about the size of cul-de-sac and where parking is to be accommodated. Wade Dumond stated that the cul-de-sacs are the dimensions that have been designed for many years and cannot actually be parked on because of the driveways. Mr. Dumond also noted their agreement with the revision of the directional "NE" being added to the roadway name of Glendale Hills Lane.</p> <p>Councilmember Senjem asked about the function of Condition No. 5, No Parking – Fire Lane. Is it a condition that should be in effect on all cul-de-sacs?</p> <p>Mr. Dumond stated that he thought it was a new idea that was placed as a condition on the plat and has not shown up on other plats.</p> <p>Mitzi Baker, Planning Department, stated that the Fire Department asked that the cul-de-sac be posted as no parking</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers asked for an explanation from the Fire Department as to the reason for the no parking signs in a cul-de-sac prior to putting it in as a condition to plats. Justification should be provided at a committee-of-the-whole meeting in the future for such conditions. They agreed that Condition No. 4 be removed as a condition to the plat.</p> <p>Councilmembers Senjem moved, Stobaugh seconded, to approve Type III, Phase II Land Subdivision Permit #98-30 by Arnold Bomgaars to be known as Northern Heights North 3rd Subdivision with four conditions. Ayes (7), Nays (0). Motion carried.</p>
D-10	<p>A Hearing on 1999 Applications for State Transit Assistance.</p> <p>Having no one wishing to be heard, President Hunziker closed the hearing.</p>

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5/19/03

27.

AGENDA SECTION:
CONSENT AGENDA**ORIGINATING DEPT:**
CITY CLERK**ITEM NO.**

D-10

ITEM DESCRIPTION: ROCHESTERFEST ACTIVITIES**PREPARED BY:**
DONNA J SCHOTT

The following licenses, permits and miscellaneous activities are needed for the Rochesterfest 2003 events during the week of June 14th thru June 22nd. It is also requested that sound amplification permits be given a blanket approval for waiver of the time requirements for those events that exceed 11:00 PM.

DATE OF EVENT**LICENSES/PERMITS****SATURDAY, JUNE 14**

Lumberjack Championships
American Heart Ass'n Walk
Cemetery Walk
Kite Festival

Sound Amplification Permit, 3.2% Beer, Miscellaneous
Miscellaneous
Miscellaneous
Miscellaneous

SUNDAY, JUNE 15

Lumberjack Championships

Sound Amplification Permit, 3.2% Beer, Miscellaneous

MONDAY, JUNE 16

Downtown Noon Entertainment
Ice Cream Social
Heritage Night

Sound Amplification Permit
Sound Amplification Permit, Miscellaneous
Sound Amplification Permit

TUESDAY, JUNE 17

Downtown Noon Entertainment
Teen Dance

Sound Amplification Permit
Dance, Sound Amplification Permit

WEDNESDAY, JUNE 18

Downtown Noon Entertainment
Kiwanis Parent/Child Fair
Family Fun Night
10 Who Make A Difference

Sound Amplification Permit
Miscellaneous
Sound Amplification Permit
Sound Amplification Permit

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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ROCHESTERFEST ACTIVITIES

PAGE 2

May 19, 2003

THURSDAY, JUNE 19

Downtown Noon Entertainment
Country Night

Sound Amplification Permit
Sound Amplification Permit. Dance, 3.2% Beer

FRIDAY, JUNE 20

Downtown Noon Entertainment
Fabulous Friday Night Dance
Grand Parade

Sound Amplification Permit
Sound Amplification Permit. Dance. 3.2% Beer
Sound Amplification Permit, Parade

SATURDAY, JUNE 21

Downtown Noon Entertainment
Street Dance
Wheelchair Bicycle Race

Sound Amplification Permit
Sound Amplification Permit. Dance, 3.2% Beer
Miscellaneous

SUNDAY, JUNE 22

Alternate Street Dance Date
1860's Baseball
Duck Derby
Water Ski Show
Criterium Bicycle Race

Sound Amplification Permit. Dance, 3.2% Beer
Sound Amplification
Miscellaneous
Miscellaneous
Miscellaneous

COUNCIL ACTION REQUESTED

A motion to approve the above Rochesterfest Activities for June 2003

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 5/19/03

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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY CLERK	ITEM NO. D-11
ITEM DESCRIPTION: STREET CLOSINGS, METERS BAGGED ROCHESTERFEST 2003		PREPARED BY: DONNA J SCHOTT

The following street closings are needed for the Rochesterfest Celebration for 2003 running June 14th thru June 22nd. Street closing have been cleared through the Public Works and Police Departments.

Saturday, June 14th & Sunday, June 15th

Streets Closed:

East Silver Lake Drive from 7th to 14th Street from 8:00 AM to 6:00 PM

Barricades to be manned for Handicapped Access

Sunday, June 15th 6:00 AM through Sunday, June 22nd

Streets Closed and all Meters Bagged

Civic Center Dr from Center Street to 2nd Street S.E. – All meters bagged – No Parking

1st Street S.E. from Civic Center Dr to 1st Avenue S.E. – All meters bagged – No Parking

Meters Bagged:

100 Block West Side of 1st Avenue S.E. Between 2nd Street and 1st Street S.E. – Bagged for Reserved Parking

8 Meters in the 10 Block of 1st Ave SE on West Side Starting at the South End – Bagged for Reserved Parking

Monday, June 16, 2000 – No Parking after 1:00 PM

Meters Bagged – Johnson Printing Corner (311 2nd Ave NW)

2nd Ave NW – East Side of Park

Friday, June 20th

Street Closings – Grand Parade

1. Civic Center Dr at Broadway East to 2nd Ave NE
2. 2nd Ave NE from 7th St NE, South to Civic Center Dr (South Bound Lanes Only).
3. 2nd Ave from Civic Center Dr South to East Center St. (All Lanes).

Will be closed at 1:00 PM to allow for parade line-up. Local traffic will be Allowed until 5:00 PM.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

3D STREET CLOSINGS – ROCHESTERFEST 2003

PAGE 2

MAY 19, 2003

FRIDAY, JUNE 20 - CONTINUED

1. Civic Center Dr from East Center St South to 4th St SE
2. 4th St SE from 3rd Ave SE East to 11th Ave SE
3. 11th Ave from 4th St SE North to East Center St.
4. East Center St from 11th Ave SE West to Civic Center Dr

Will be Closed at 5:00 PM

During the parade, 9th Ave and East Center along with 10th Ave and 4th St SE will be Manned by Police Officer and used as emergency/escape routes for local residents.

Meters Bagged and Parking Lots Closed:

1. Mayo Field Parking Lot, Civic Center North Parking Lot.
Closed All Day Friday, June 21, 2002
2. Posted **NO PARKING** signs after 4:00 PM on the parade route (including any metered areas). Vehicles will be towed after 5:00 PM

SATURDAY, JUNE 21

Street Closings – Street Dance

- 1st St SE Closed at East End to Accommodate Stage
- 1st Ave SE Closed From 1st St to Center St (by Post Bulletin)

Will Be Closed at 1:00 PM

Street Closings – Wheelchair Races 7:30 AM to 2:00 PM

- W Center St from 6th Ave NW to 7^T Ave NW
- 7th Ave SW from W Center St to 2nd St NW
- 2nd St NW from 7th Ave SW to 6th Ave SW
- 6th Ave NW from 2nd St NW to W Center St.

STREET CLOSINGS, METERS BAGGED – ROCHESTERFEST 2003
PAGE 3
MAY 19, 2003

SUNDAY, JUNE 22

Street Closing - Criterium Bike Race 7:30 AM to 6:00 PM

1st Ave SW from 2nd St SW to 4th St SW

4th St SW from 1st Ave SW to 3rd Ave SW

3rd Ave SW from 4th Ave SW to 5th Ave SW

5th St SW from 3rd Ave SW to 4th Ave SW

4th Ave SW from 5th St SW to 2nd St SW

4th Ave SW from 3rd St SW to 2nd St SW – 1 Pkg & 1 Traffic Ln (E. Driving Ln Blocked)

2nd St SW from 4th Ave SW to 1st Ave SW - E. Bound Ln Closed.

COUNCIL ACTION REQUESTED

A motion to approve the Rochesterfest 2002 street closing and bagging of meters.

IF THE SATURDAY DANCE IS RAINED OUT IT WILL BE HELD
ON SUNDAY, JUNE 22^H FROM 1:00 PM TO 6:00 P.M.

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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5/19/03

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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY CLERK	ITEM NO. D-12
ITEM DESCRIPTION: LICENSES, BONDS & MISCELLANEOUS ACTIVITIES		PREPARED BY: DONNA J SCHOTT

The following licenses, bonds and miscellaneous activities are submitted for the Council's approvals or disapprovals. All are pending departmental approvals, the required insurance, bonds, fees and all outstanding debts with the City of Rochester.

FIREWORKS DISPLAYS

Century High School Concert Choir
2525 Viola Rd NE
Concert & Fireworks to Honor Service People
Foster Arends Park 5/28/03 7:30 PM to 10:00 PM

Rochester Golf & Country Club
3100 Country Club Rd SW
Rochester, Mn. 55902
Fireworks Display 7/4/03 10:00 PM

FIREWORKS SALES

Big Lots
1607 Highway 14
Rochester, Mn. 55904

Arrow Ace Hardware
1021 15th Ave SE and
1500 North Broadway
Rochester, Mn.

Tim Bachtle – Vapor of Smoke
1028 11th Ave NE
Owatonna, Mn. 55060

FIREWORKS AT:

Hy-Vee Parking Lot
500 Crossroads Dr SW
500 37th St NW
1315 6th St NW
Menards North
5150 Hwy 52 North
Rochester, Mn.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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LICENSES, BONDS AND MISCELLANEOUS CITY ACTIVITIES

PAGE 2

MAY 19, 2003

Buffalo Fireworks
W186 Sommers Rd
Fountain City, Wi. 54329

FIREWORKS AT:

Golden Hill Amoco
2276 South Broadway
Pump N Munch Conoco
6650 Hwy 14 East
1401 North Broadway

Chris Distributing
2551 Onyx Dr
Shakopee, Mn 55379

Fireworks for Kato, Inc./Rochester Transportation AT):

Petro Pumper
4100 Hwy 63 South
Pump N Munch
1607 South Brodway
82 36th Ave NW
Rochester, Mn

Wal-Mart Store #2812
25 – 25th St SE
Rochester, Mn. 55904

Super Target
3827 Marketplace NW
Rochester, Mn. 55901

GAMBLING – PREMISE PERMIT

Community Charities
115 South Riverfront
Mankato, Mn. 56001

PREMISE AT:

Pints Pub (Former Riptide Bar & Grill)
530 11th Ave NW

HEATING CONTRACTOR

L & M Boiler Systems, Inc.
506 10th St NE
Austin, Mn. 55912

MASTER INSTALLER

Gary Landherr
13343 580th Ave.
Lyle, Mn., 55953

LICENSES, BONDS AND MISCELLANEOUS CITY ACTIVITIES

PAGE 3

MAY 19, 2003

REVOCABLE SIGN PERMIT

Holy Spirit School
5455 50th Ave NW
Rochester, Mn. 55901

Rummage Sale Signs 5/17/03

(Prior Approvals: McConnell, Marcoux, Means, Hanson)

SEWER & DRAINS

Quality Farm & Industrial Building Center
319 East Ave
Zumbrota, Mn. 55992

SIGN INSTALLATION

Ace Sign Displays
924 B St.
South Sioux City, NE. 68776

SOUND AMPLIFICATION

Century High School Concert Choir
2525 Viola Rd NE
Concert & Fireworks to Honor Service People
Foster Arends Park 5/28/03 7:30 PM to 10:00 PM

Lupus Foundation of Mn.
275 Market St. #C-19
Minneapolis, Mn. 55405
Walkathon with 3 Piece H.S. Band
Silver Lake 9/14/03 10:30 AM to 2:30 PM

Hood Family Reunion
Cook Park 5/25/03 10:00 AM to 8:00 PM
7th St & 7th Ave NW

Whistle Binkies Olde World Pub
3120 Wellner Dr NE
Rochester, Mn. 55906
1st Anniversary Celebration 6/14/03 12:00 Noon to 7:00 PM

Pint's Pub (Formerly riptide Bar & Grill)
530 11th Ave NW
Rochester, Mn. 55901
Open House/Grand Opening 5/31/03 1:00 PM to 11:00 PM

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5/19/03

AGENDA SECTION:
CONSENT AGENDA

ORIGINATING DEPT:
CITY CLERK

ITEM NO.
D - 12

ITEM DESCRIPTION: LICENSES, BONDS & MISCELLANEOUS ACTIVITIES

PREPARED BY:
DONNA J SCHOTT

The following ADDENDUM licenses, bonds and miscellaneous activities are submitted for the Council's approvals or disapprovals. All are pending departmental approvals, the required insurance, bonds, fees and all outstanding debts with the City of Rochester.

DANCE

Brothers Bar & Grill
812 South Broadway
Rochester, Mn. 55904

Fun – Sports Night/Team Appreciation 7/9/03 8:00 PM to 11:00 PM
Behind Brothers in Parking Lot

FIREWORKS DISPLAY

B.J. Alan CO – Phantom Fireworks
555 Martin Luther King Jr. Blvd.
Youngstown, Oh 44502

FIREWORKS AT:

Kmart #4351
201 9th St SE
Snyder Drug Store
1201 S. Bdwy
Snyder Drug Store
50 – 17th Ave NW

Pump N Munch Conoco
1106 15th Ave SE
Rochester, Mn. 55904

Apollo II Conoco
1025 4th St SE
Rochester, Mn. 55904

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

LICENSES, BONDS AND MISCELLANEOUS CITY ACTIVITIES (ADDENDUM)

PAGE 2

MAY 19, 2003

SOUND AMPLIFICATION

Brothers Bar & Grill

812 South Broadway

Rochester, Mn. 55904

Fun – Sports Night/Team Appreciation 7/9/03 8:00 PM to 11:00 PM

Behind Brothers in Parking Lot

SE MN Alliance of Peacemakers

Rally at Peace Plaza

5/27/03 4:40 PM to 6:00 PM

The Grunewald Family

1833 northern Valley Dr NE

Rochester, Mn. 55905

Graduation Party 6/9/03nnn7:00 PM to 11:00 PM

MISCELLANEOUS

SE MN Alliance of Peacemakers

Rally and Demonstration

S. Bdwy to 2nd St to Peace Plaza

5/27/03 4:40 PM to 6:00 PM

COUNCIL ACTION REQUESTED

A motion to approve the above **ADDENDUM** licenses, bonds and miscellaneous city activities.

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LICENSES, BONDS AND MISCELLANEOUS CITY ACTIVITIES

PAGE 4

MAY 19, 2003

MISCELLANEOUS CITY ACTIVITIES

Lupus Foundation of Mn.

275 Market St. #C-19

Minneapolis, Mn. 55405

Walkathon with 3 Piece H.S. Band

Silver Lake 9/14/03 10:30 AM to 2:30 PM

Rochester Track Club

Women's Running Race

Silver Lake Park 7/19/03 8:30 AM to 9:30 AM

Neumann/Horntvedt Block Party 6/7/03

45th Ave & Savannah Dr NW

Rochester, Mn. 55901

Michael P Molitor

Block Party 6/7/03

Between 9th & 10th St of 14th Ave NE

Rochester, Mn. 55904

Glendale Neighborhood Association

Flag Day Kiddies Parade 6/14/03

Glendale Neighborhood Streets

Rochester, Mn. 55906

Sisters of St. Francis

Franciscan Renaissance Fest 7/5/03 1:00 PM to 8:00 PM

1001 14th St NW

Rochester, Mn. 55901

Rochester Area Crop Walk

Walk to Raise Money for Hunger 10/12/03

Start at Peace United Church to Bike Path

Andice Oliver Wedding

362 Elton Hills Dr NW

Rochester, Mn. 55901

Carriage Ride from St Lukes Church to Elton Hills 5/30/03

COUNCIL ACTION REQUESTED

A motion to approve the above licenses, bonds and miscellaneous city activities.

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5/19/03

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AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Finance Department	ITEM NO. D-13						
ITEM DESCRIPTION: Approval of Accounts Payable		PREPARED BY: Dale Martinson						
<p>Respectfully request a motion to approve the following cash disbursements:</p> <table><tr><td>Investment purchases of</td><td>\$11,539,392.08</td></tr><tr><td>Accounts payable of</td><td><u>\$3,330,200.43</u></td></tr><tr><td>Total disbursements</td><td>\$14,869,592.51</td></tr></table> <p>(Detailed listing of disbursements submitted separately.)</p>			Investment purchases of	\$11,539,392.08	Accounts payable of	<u>\$3,330,200.43</u>	Total disbursements	\$14,869,592.51
Investment purchases of	\$11,539,392.08							
Accounts payable of	<u>\$3,330,200.43</u>							
Total disbursements	\$14,869,592.51							
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____								

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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5/19/03

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AGENDA SECTION: Consent	ORIGINATING DEPT: Human Resources	ITEM NO. D-14
ITEM DESCRIPTION: RPU Request to Increase Shift Differential and Publish Corrected Compensation Provisions for System Operators as Members of RPEA		PREPARED BY: Linda Gilsrud

Rochester Public Utilities (RPU) leadership is recommending an increase in the shift differential amount (\$1.50/hour to \$2.00/hour) retroactive to 1/1/02 for System Operators at RPU. The System Operators, members of the RPEA bargaining group, have historically maintained parity in regard to shift differential with the Shift Foremen, IBEW (Outside) bargaining group. The 2002-2004 IBEW (Outside) bargaining agreement contains a negotiated increase in shift differential from \$1.50/hour to \$2.00/hour. In order to restore the historical parity, RPU leadership is requesting a comparable increase for the System Operators retroactive to 1/1/02.

The Rochester Professional Employees' Association (RPEA) is amenable to the change and to the publication of corrected and complete compensation provisions specific to System Operators at RPU as a memo of understanding attached to the RPEA agreement (see attached).

Council Action Requested:

Approval of the increased shift differential amount and publication of corrected and complete compensation provisions applicable to System Operators at RPU as a Memo of Understanding attached to the 2002-2004 RPEA agreement.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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Memo of Understanding

RPEA Agreement - 2002 - 2004

Systems Operators - Compensation Provisions

I. Work Period

The work week for personnel assigned to the 12-hour shift shall begin at 06:00 on Sunday, and consist of seven (7) consecutive twenty-four hour periods.

The regular hours for all shift employees in System Operations shall be twelve (12) continuous hours of work with shift changes scheduled as the day shift shall be 06:00 to 18:00 and the night shift shall be 18:00 to 06:00. Four (4) days per 42 day rotation shall be scheduled as 8-hours work and shall be scheduled 06:00 to 14:00 and shall be a relief operator position. Five (5) days per 42 day rotation shall be scheduled as 8 hours work and shall be scheduled 06:00 to 14:00 and shall be a training position.

The System Operator assigned to Relief Shift on Monday and Tuesday shall fill in for vacations or illnesses during the period of Sunday Day shift through Wednesday Day shift. The System Operator assigned to Relief Shift on Thursday and Friday shall fill in for vacations or illnesses during the period of Wednesday night shift through Saturday night shift.

II. Shift Premium

Electric Utility System Operators at RPU are eligible to receive a shift differential of \$2.00 per hour, effective 1/1/02 for a 12-hour shift beginning at 6:00 p.m. and ending at 6:00 a.m.

III. Overtime Premium

System Operators are eligible for overtime premium pay of 1.5 times his/her regular rate for hours worked beyond 12 hours when a 12-hour shift is scheduled. System Operators are eligible for overtime premium pay of 1.5 times his/her regular rate for hours worked beyond 8 hours when an 8-hour shift is scheduled. System Operators are eligible for overtime premium pay of 1.5 times his/her regular rate for all other non-scheduled hours worked.

IV. Holiday Premium

A System Operator assigned to work one of the City's designated holidays receives 2.5 times his/her regular rate for the first eight (8) hours and 3 times his/her regular rate for the last four (4) hours of his/her work shift on the holiday.

V. Vacation and Sick Leave

Paid leave shall be charged in the same increments as the work was scheduled, i.e. it shall take twelve (12) hours of paid leave to cover a 12-hour shift.



we pledge, we deliver

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MEMORANDUM

DATE: ~~May 14, 2003~~ (Computer pulled
in data - letter
was sent
in Jan. 2003)

TO: RPU System Operators

FROM: Walt Lorber, Director of Operations (see highlighted
area on next page)

Re: Management Response to Various Issues and Concerns Presented by the
System Operators

The following response has been developed in consultation with Larry Koshire, Linda Gilsrud, and Gerry Steffens, and is intended to be responsive to the issues and concerns that have been communicated in various forums over the past several months.

RPU Hiring Practices

1. The System Operator job description was revised with the most recent posting for the purpose of obtaining an experienced candidate for the sixth position that could quickly be put into shift rotation to address the understaffing concerns the SOs had voiced. The intent had not been to permanently change the job description. Attached is a revised draft that we are prepared to execute, which changes the experience requirement from 8-10 to 3-5 and shifts NERC certification from "minimum" to "desired". In addition, since we're revising it, we've updated the responsibility for security. Please let me know if you have further updates that should be made at this time.
2. If an RPU employee has interest in preparing for a future SO opening, he/she should contact Ray Clark or Gerry Steffens to discuss his/her interest. If the employee has the potential to meet the position's minimum requirements, RPU will pay for expenses incurred in obtaining NERC certification.

Compensation Concerns

1. The SOs have expressed concern that RPU's wage scale is not competitive. We have analyzed the pay range and have found:
 - A. An external survey (attached) conducted by Riley, Dettmann, & Kelsey for the City shows the midpoint of the RPU SO wage scale to be between the 2nd and 3rd highest paying of seven comparable regional utilities. Further, RPU's compensation for shift premium and holiday pay appears to be above average. Based on this information, we cannot support an upward adjustment to the pay scale.
 - B. A comparison of SO pay with the most-oft quoted internal comparable, the Shift Foreman, shows a 2003 base wage of \$64,524 for the Shift Foreman versus a midpoint wage of \$67,891 for the SO. While new hires are brought into the wage scale at a point based on experience, current salary, and internal comparability, all will surpass midpoint within a few years. With other compensation being similar for the positions, we believe

that the current SO wage scale is sufficiently attractive to the internal pool of potential applicants.

2. The SOs have noted that the most recent IBEW contract provided an increase in shift premium (from \$1.50 per hour to \$2.00) and have questioned why that increase was not automatically extended to the SOs. It is management's position that benefits negotiated by one bargaining group are never automatically extended to another bargaining group. However, recognizing that there were ongoing discussions regarding the above pay issues, management is agreeable to adjusting the SOs' shift premium to \$2.00 per hour, effective January 1, 2002.

I hope that the above is responsive to the issues and concerns that you have brought to our attention. Gerry will be setting up a meeting with you for us to discuss the above and answer any further questions you might have. We would like to put these matters behind us and focus on building a System Operations team, capability, and reputation that are second to none. We know that we have excellent people in System Operations; we're convinced that we pay a competitive wage, and we want to develop the relationships and communications that will allow management to strengthen the role of the System Operations function at RPU.

Attachments: Draft SO Job Description
2002 SO Salary Survey

c: Larry Koshire
Linda Gilsrud
Gerry Steffens
Ray Clark

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5/19/03

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AGENDA SECTION: Consent	ORIGINATING DEPT: Human Resources	ITEM NO. D-15
ITEM DESCRIPTION: ROBERT SCHLOEGEL - TERMINATION HEARING		PREPARED BY: Linda Gilsrud
<p>The Fire Civil Service Commission held a hearing on May 1, 2003, regarding the termination of Firefighter Robert Schloegel.</p> <p>The Fire Civil Service Commission recommends that the City Council affirm the termination. (see attached findings)</p> <p><u>COUNCIL ACTION REQUESTED:</u></p> <p>Request a motion adopting the findings of fact and conclusions of law of the Fire Civil Service Commission and affirming the termination of Firefighter Robert Schloegel.</p>		
COUNCIL ACTION: Motion by: _____ Second by: _____ to:		

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BEFORE THE FIRE CIVIL SERVICE COMMISSION

CITY OF ROCHESTER, MINNESOTA

In Re: Termination Proceeding Involving
Firefighter Robert Schloegel

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER**

On May 1, 2003, a public hearing was conducted, upon notice to the public and to Firefighter Robert Schloegel, before the Fire Civil Service Commission of the City of Rochester to determine whether Firefighter Schloegel's employment with the City should be terminated pursuant to Section 21b of the Fire Civil Service Commission Rules and Regulations and Minnesota Statutes Section 420.12 due to an injury which allegedly made him physically incapacitated and unable to perform the essential functions of his position. Assistant City Attorney William Harris represented the Rochester Fire Department and submitted testimony from one witness and one set of exhibits in support of the allegations asserted by the Fire Department. Firefighter Robert Schloegel appeared, but did not present any evidence on his behalf.

Based upon the evidence presented at the hearing, the Fire Civil Service Commission of the City of Rochester does hereby make the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. This hearing is properly before the Fire Civil Service Commission pursuant to Minnesota Statutes Section 420.12.
2. Firefighter Robert Schloegel sustained an injury to the ligaments in one of his knees on or about October 10, 2002 which was not work related.

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3. As a result of this injury, Mr. Schloegel requested that the City permit him to use accrued vacation until November 24, 2002 in order to give himself time to heal from this injury. The City granted this request.

4. When Mr. Schloegel's vacation time was exhausted, he returned to work for the Fire Department on light duty beginning November 25, 2002. The City received a Certificate of Return to Work from Dr. Timothy Gabrielson at Olmsted Medical Center indicating that Mr. Schloegel was restricted to lifting no more than 20 pounds. The Certificate also indicated that Mr. Schloegel could possibly return to unrestricted duty in late August or early September of 2003.

5. Mr. Schloegel worked on light duty for the Fire Department until January 16, 2003. Mr Schloegel left work on that date and has not returned to work for the Rochester Fire Department in any capacity since that date.

6. Mr. Schloegel had requested that the City grant him leave pursuant to the Family and Medical Leave Act which permits leave for a period of up to 12 weeks. This request was granted by the City and the 12 week period expired on February 20, 2003.

7. Since that time, the City has attempted to locate other employment for Mr. Schloegel within the Fire Department or failing that, within other City Departments. However, there were no positions for which Mr. Schloegel was qualified and which he could perform given his physical limitations due to his injury.

8. The Fire Department submitted evidence indicating that the minimum qualifications for a firefighter such as Mr. Schloegel includes the ability to lift, carry push or pull objects from 10 to over 100 pounds. Mr. Schloegel is unable to demonstrate at this time the ability to meet this particular requirement for a firefighter.

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CONCLUSIONS OF LAW

1. This hearing is properly before the Fire Civil Service Commission pursuant to Minnesota Statutes Section 420.12.

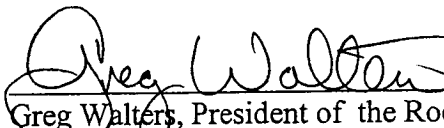
2. Based upon the testimony and evidence received at the hearing, the Fire Civil Service Commission determines by a preponderance of the evidence presented that Firefighter Robert Schloegel is physically incapacitated as defined in Rochester Fire Civil Service Commission Rules and Regulations Section 21b and is no longer able to perform the essential functions of his position as a Firefighter. The City has attempted to provide Mr. Schloegel with a reasonable accommodation given his injury, but it cannot provide a position which Mr. Schloegel can perform given his medical limitations.

3. In light of this, it is the decision of the Commission that Mr. Schloegel's employment with the Rochester Fire Department as a firefighter may be terminated.

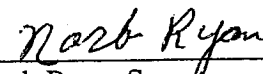
ORDER

The Rochester Fire Civil Service Commission, pursuant to Rochester Fire Civil Service Commission Rules and Regulations Section 21b and Minnesota Statutes Section 420.12, does hereby order that Firefighter Robert Schloegel be removed from service for the Rochester Fire Department, effective immediately.

Dated at Rochester, Minnesota this 5th day of May, 2003.



Greg Walters, President of the Rochester
Fire Civil Service Commission



Norb Ryan, Secretary of the Rochester
Fire Civil Service Commission

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 5-19-03

47-

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: PLANNING	ITEM NO. D-16
ITEM DESCRIPTION: Orderly Annexation #00-13 Corrective Resolution to Amend Agreement with Cascade Township to include annexing an additional .09 acres.		PREPARED BY: Mitzi A. Baker, Planner

May 12, 2003

The property in this application was intended for inclusion with previous annexation of adjacent property. Due to an error in the legal description, this property was omitted from the previous action to annex land (Annexation file #00-13).

Property Taxes:

This parcel had historically been County right-of-way, and did not generate a tax base for the Township.

Council Action Needed:

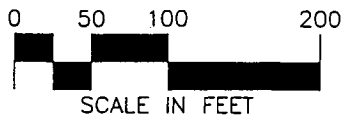
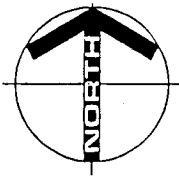
1. A "Corrective Resolution" has been prepared by the City and signed by the Township. Should the Council wish to proceed, it should instruct the Council President, City Clerk and Mayor to sign the resolution.
2. The signed amendment should be transmitted to MN State Planning by the City Clerk, along with a filing fee (\$25.00).

Distribution:

1. City Administrator
2. City Clerk: Orderly Agreement signed by the Township & Mn State Planning check attached (\$25.00).
3. City Attorney: Legal Description Attached
4. City Finance Director: NA
5. Planning Department File
6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, May 19, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

48



MONUMENTS

- Set 1/2" Rebars.
- Set 3/4" Iron Pipes
- Found Monuments (Pipe, Rod, Etc.)

All monuments set have a plastic cap stamped L.S. 22422.

—●— CONTROLLED ACCESS

U.E. = UTILITY EASEMENT

D.E. = DRAINAGE EASEMENT

BEARINGS

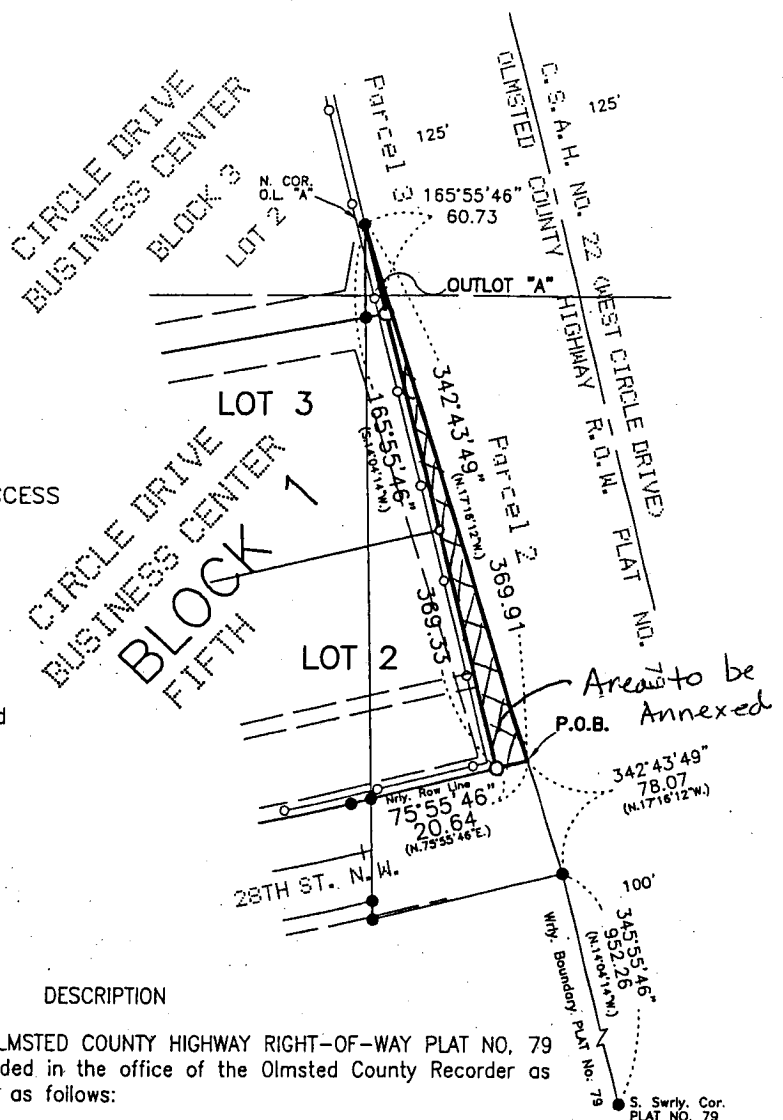
Bearings are Minnesota State Plane Grid Azimuths measured to the right from grid north.

DESCRIPTION

A part of Parcels 2 and 3 of OLMSTED COUNTY HIGHWAY RIGHT-OF-WAY PLAT NO. 79 Olmsted County, Minnesota, recorded in the office of the Olmsted County Recorder as Document No. 645749, described as follows:

Commencing at the most southerly southwest corner of said PLAT NO. 79; thence North 14 degrees 04 minutes 14 seconds West (for the purpose of this description, the bearing system is the same as that of said PLAT NO. 79) 952.26 feet along the westerly boundary of said PLAT NO. 79; thence North 17 degrees 16 minutes 12 seconds West 78.07 feet to the point of beginning; thence North 17 degrees 16 minutes 12 seconds West 369.91 feet to the north corner of Outlot "A" of CIRCLE DRIVE BUSINESS CENTER FIFTH, according to the plat thereof on file at the County Recorder's office, Olmsted County, Minnesota; thence South 14 degrees 04 minutes 14 seconds West along the east line of said Outlot "A" and the east line of Block 1 of said CIRCLE DRIVE BUSINESS CENTER FIFTH 369.33 feet to the southeast corner of Lot 2 of said Block 1; thence North 75 degrees 55 minutes 46 seconds East along the south line of said Lot 2, a distance of 20.64 feet to the point of beginning.

Said tract contains 0.09 acres more or less.



PROJECT NUMBER 7915
7915cen02.DWG

DATE OF SURVEY 04/17/03

DRAFTED BY JRP

SURVEYED BY YCA

SURVEYED FOR
BADGER DEVELOPMENT L.L.C.

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Douglas G. Rude
DOUGLAS G. RUDE LICENSE EXPIRES 6/30/04

4-17-03 22422
DATE NUMBER

ENGINEERS • ARCHITECTS
SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS

717 THIRD AVE. S.E.
ROCHESTER, MN
507-288-6464
FAX 507-288-5058
E-MAIL: INFO@YAGGY.COM



REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5/19/03

49

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: PUBLIC LIBRARY	ITEM NO. D-17
ITEM DESCRIPTION: CONTRACT FOR QWEST DEDICATED INTERNET ACCESS SERVICES		PREPARED BY: A. BETCHER

As part of the 2003 CIP Integrated Library System Replacement Project, the library will be installing a phone line for internet access. Installation costs (\$313) are in the CIP budget and ongoing monthly charges are in the operating budget.

COUNCIL ACTION REQUESTED

Request a motion authorizing the signing of the contract.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

5

REQUEST FOR COUNCIL ACTION

MEETING 51

DATE: 05/19/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-18
ITEM DESCRIPTION: ADVERTISE FOR BIDS: (J7206), (J7207), & (J7216) Street Reconstruction on 1 st Ave, 4 th Ave, 5 th Ave, 7 th Ave and 5 th St SE	PREPARED BY: R. Kelm <i>AKF</i> <i>DN</i>	

This is a request for a resolution to advertise for bids for the following project:

Project:

City Project No: 6304-2-02 J7206

Street Reconstruction on 4th Ave SE from 4th St to 6th St SE AND on 5th St SE from 3rd Ave to 5th Ave SE, and on 5th Ave SE from 5th St to 6th St SE

&

City Project No. 6301-2-02 J7207

Street Reconstruction on 1st Ave SE from 4th St south to end of street (to Mayo Fullerton Lot)

&

City Project No: 6307-2-02 J7216

Curb, Gutter & Overlay on 7th Ave SE from 6th St SE to street end

Project Background

The streets shown as J7206 and J7207 below were constructed with bituminous curb between 1928-1952. The area shown as J7216, 7th Ave SE was reconstructed with watermain in 1968.

The projects will be Contracted as a combined bid.

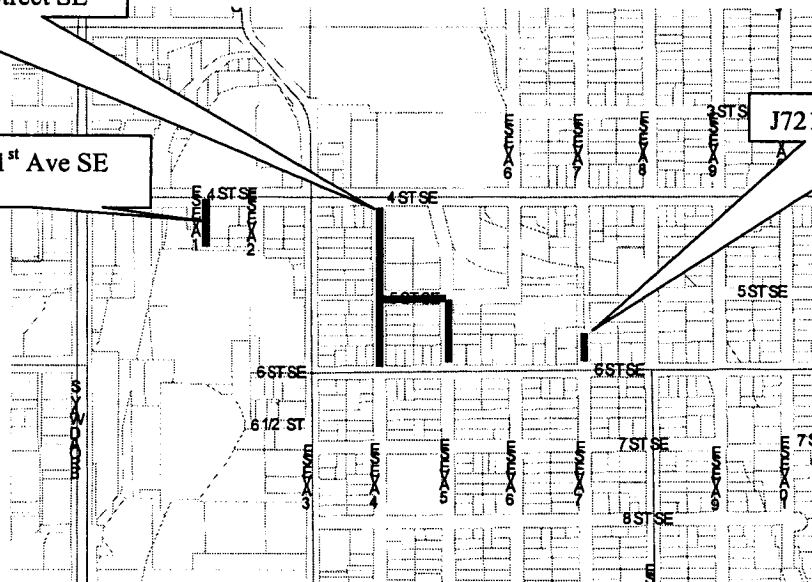
An informational meeting was held with the abutting property owners on October 29, 2002.

The project and assessment hearings were adopted at the December 9, 2002 council meeting.

J7206 - 4th Ave, 5th Ave and 5th Street SE

J7207 - 1st Ave SE

J7216 - 7th Ave SE



COUNCIL ACTION REQUESTED:

A resolution should be adopted authorizing the City Clerk to advertise for bids and conduct a bid opening on **June 11, 2003** at 11:00 AM.

Note to City Clerk; Advertise 3 times in the Post Bulletin and Construction Bulletin.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

52

REQUEST FOR COUNCIL ACTION

MEETING

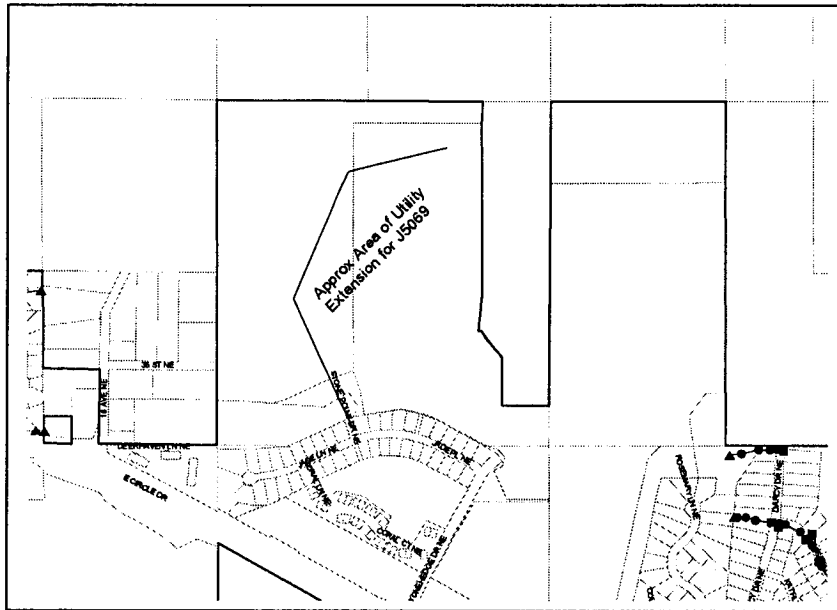
DATE: 5/19/03

53

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-19
ITEM DESCRIPTION: Owner Contract – Stonehedge Estates Second, Sanitary Sewer & Watermain Extension to Well #37 - J5069		PREPARED BY: M. Baker

Staff would offer the following Owner Contract project for consideration by the Council:

Stonehedge Development LLC (Owner) & Elcor Construction, Inc. (Contractor) are requesting a City / Owner Contract J5069, consisting of "Stonehedge Estates Second, Sanitary Sewer & Watermain Extension to Well #37".



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5069 "Stonehedge Estates Second, Sanitary Sewer & Watermain Extension to Well #37."

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

54

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5-19-03

55

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-20
ITEM DESCRIPTION: Advertise for bids to install Emergency Vehicle Preemption (EVP) equipment on traffic signals, J6396		PREPARED BY: <i>mk</i> D. Kramer <i>DPK</i>
<p>Traffic signal Emergency Vehicle Preemption (EVP) is a means for emergency vehicles, such as police and fire, to obtain a green light as they approach traffic signals. The benefit is both decreased response times and improved safety. The system works with optical emitters on the emergency vehicles, with optical receivers and equipment on the traffic signals.</p> <p>The city has previously entered into respective agreements with Mn/DOT and Olmsted County that cover the cost, maintenance, and operation of EVP in Mn/DOT and county signals within the City of Rochester. The project includes EVP in all City of Rochester, Mn/DOT, and Olmsted County traffic signals within the city, with the city as the lead agency for installation. The project is included in the 2002 CIP on page 40, item 5, with the city's portion coming from project reserves.</p> <p>The city will purchase the equipment separately and provide the equipment to the installation contractor. The council approved advertising for bids for equipment purchase on December 9, 2002.</p> <p>This request is to advertise for bids for installing the equipment on the traffic signals.</p> <p>Staff plans to obtain respective equipment and installation bids in the same time frame, so an evaluation can be made of total project costs verses remaining budget, prior to awarding the respective contracts for equipment and installation.</p> <p>COUNCIL ACTION REQUESTED:</p> <p>Authorize advertising for bids to install Emergency Vehicle Preemption (EVP) equipment on traffic signals, J6396.</p>		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 05/19/03

57

AGENDA SECTION: CONSENT AGENDA		ORIGINATING DEPT: PUBLIC WORKS	ITEM NO. D-21
ITEM DESCRIPTION:	Engineering Services Contract: (J9708) for Environmental Reporting Services for Overland Drive NW		PREPARED BY: Ruf R. Kelm dn

This is a proposal by Bonestroo Rosene Arderlik & Associates to provide environmental reporting services for the following local improvement project:

Project:

Construct Overland Drive from Bandel Road to 18th Ave NW

City no. M074 (J9708)

Federal no. STP 5504(103)

State no. SP 159-080-12

Project Background

This project is included in the 2002 –2007 Capital Improvement Program, item #50, page 36 and is currently programmed for construction in 2006. However, due to the ongoing development in this area, we anticipate construction activity should occur as early as 2004. As such, we solicited proposals for the federal and state required environmental reporting services from Bonestroo Rosene Arderlik & Associates and SRF Consulting Group, Inc.

This road segment will be added to the City's Municipal State Aid System. This will allow us to use MSAS funds to construct Overland Drive. In addition, development charges will be collected to fund a portion of this public improvement project. Funding for the EA / EAW will be from Developer Contributions for Overland Drive. The City is eligible for \$1,200,000 in Federal Tea-21 funds for this project in 2004.

Bonestroo Rosene Arderlik & Associates has the ability to provide the environmental reporting services including Project Management and Environmental Assessment for this new road improvement project. Their proposal is based on an hourly rate not to exceed \$44,223.09. SRF Consulting Group's estimated cost for their services is \$57,000.

Project Recommendation:

The Public Works Department recommends the City Council enter into an agreement with Bonestroo Rosene Arderlik & Associates for the preparation of the Environmental Assessment required for the construction of Overland Drive NW.

COUNCIL ACTION REQUESTED:

Adopt a resolution to execute an Engineering Environmental Service Agreement for an amount not to exceed \$44,223.09 with Bonestroo Rosene Arderlik & Associates for environmental reporting services associated with Overland Drive NW.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5/19/03

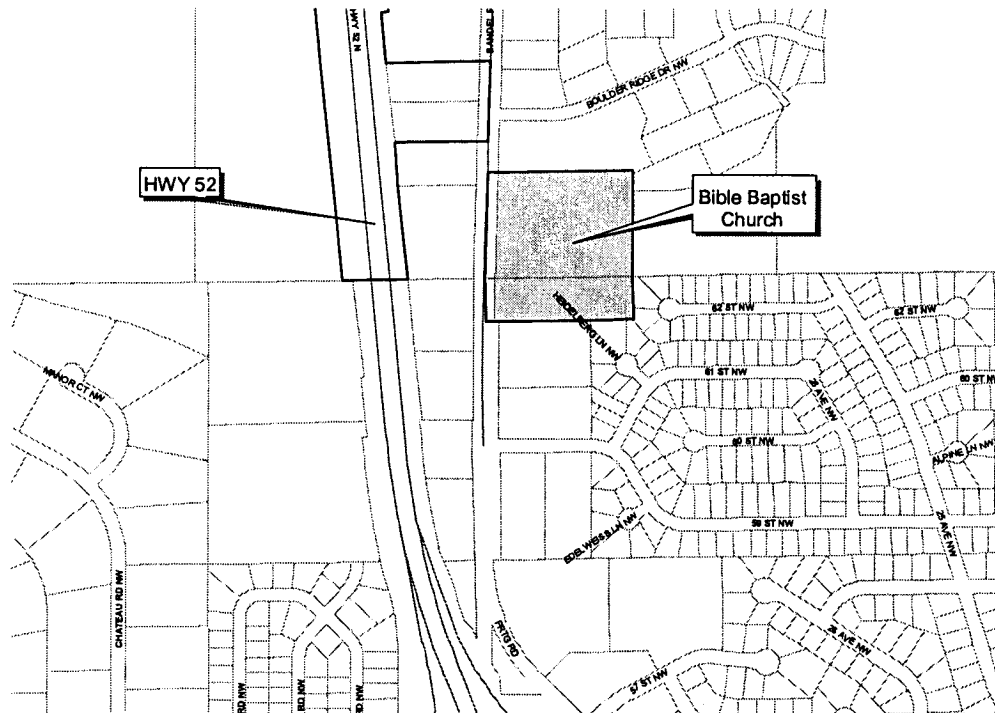
59

AGENDA SECTION:
CONSENT AGENDA**ORIGINATING DEPT:**
Public Works**ITEM NO.**
D-22**ITEM DESCRIPTION:** Real Estate – Settlement for Right of Way Acquisition for Bandel Road J9815**PREPARED BY:**
M. Nigbur

The City Staff in conjunction with their consulting engineer have been working on the design for the Bandel Road Reconstruction project. Based on the designs that have been developed City staff pursued acquisition of the needed area of property using the state acquisition requirements. Based on the continued negotiations between the City and Bible Baptist Church, a preliminary settlement has been reached.

This settlement agreement includes the following provisions:

1. Owner agrees to convey the needed right of way to the City in the amount of \$63,000.
2. City agrees apply for a variance for any signage relocation resulting from the City's acquisition.
3. The City agrees to repair and replace any disturbed areas on Owner's existing parcel resulting from the construction of the Project.
4. City agrees to initiate annexation of the property.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the Settlement Agreement with Bible Baptist Church for the church property and initiate the annexation of the property needed for Project 9815.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

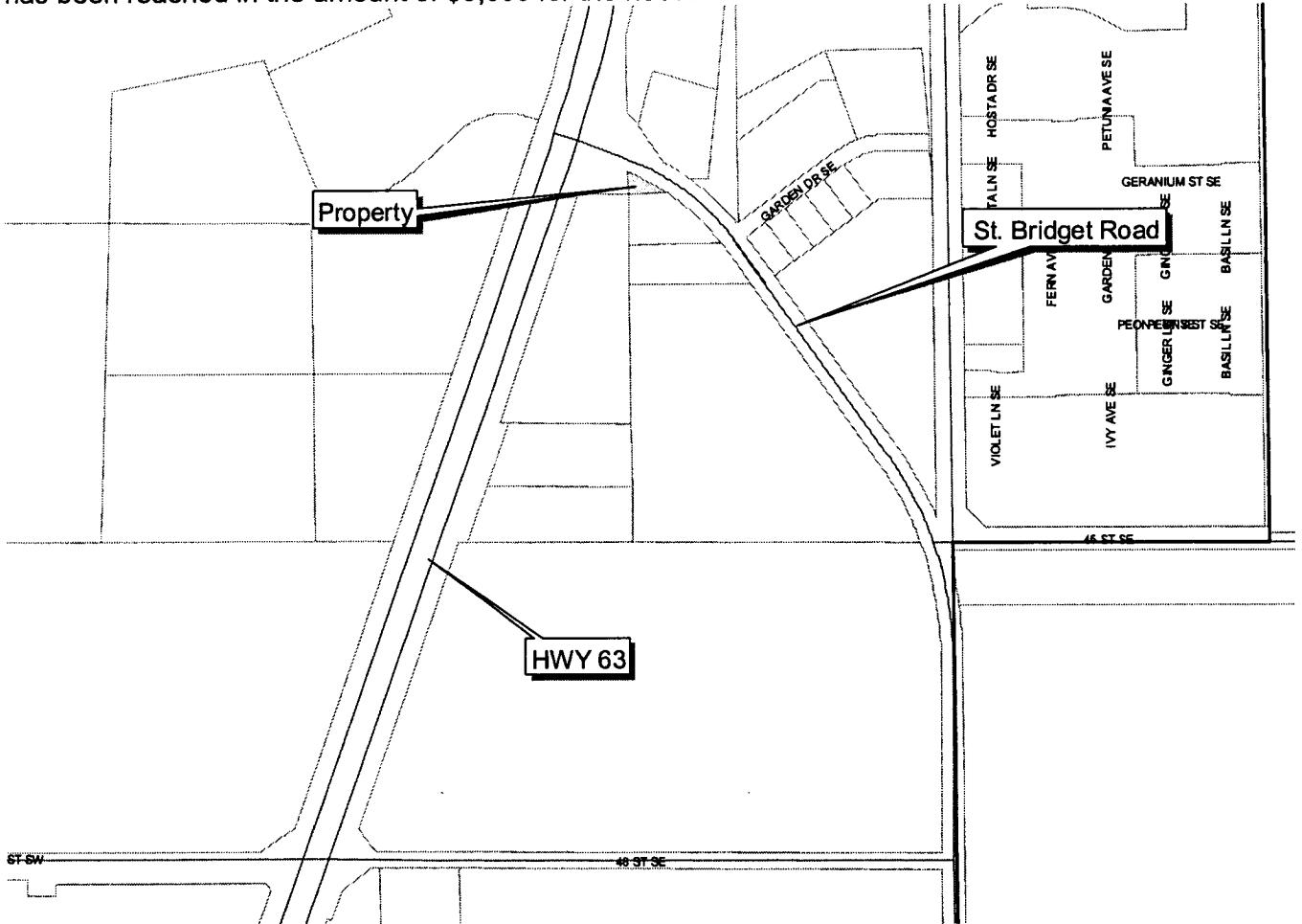
REQUEST FOR COUNCIL ACTION

61-
MEETING

DATE: 5/19/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-23
ITEM DESCRIPTION:	Real Estate – Settlement for Right of Way Acquisition for Main Street Sewer & Water Project J9799	PREPARED BY: M. Nigbur

The City Staff in conjunction with their consulting engineer and MnDot have been working on the location of the Sanitary Sewer line due to the impending 40/48th Street Interchange modifications. Based on the design and discussions City staff pursued acquisition of the needed area of property. Based on the continued negotiations between the City and the Truax Family, a preliminary settlement has been reached in the amount of \$6,000 for the needed easements.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the Settlement Agreement with the Truax Family for the property needed for Project J9799.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

REQUEST FOR COUNCIL ACTION

MEETING

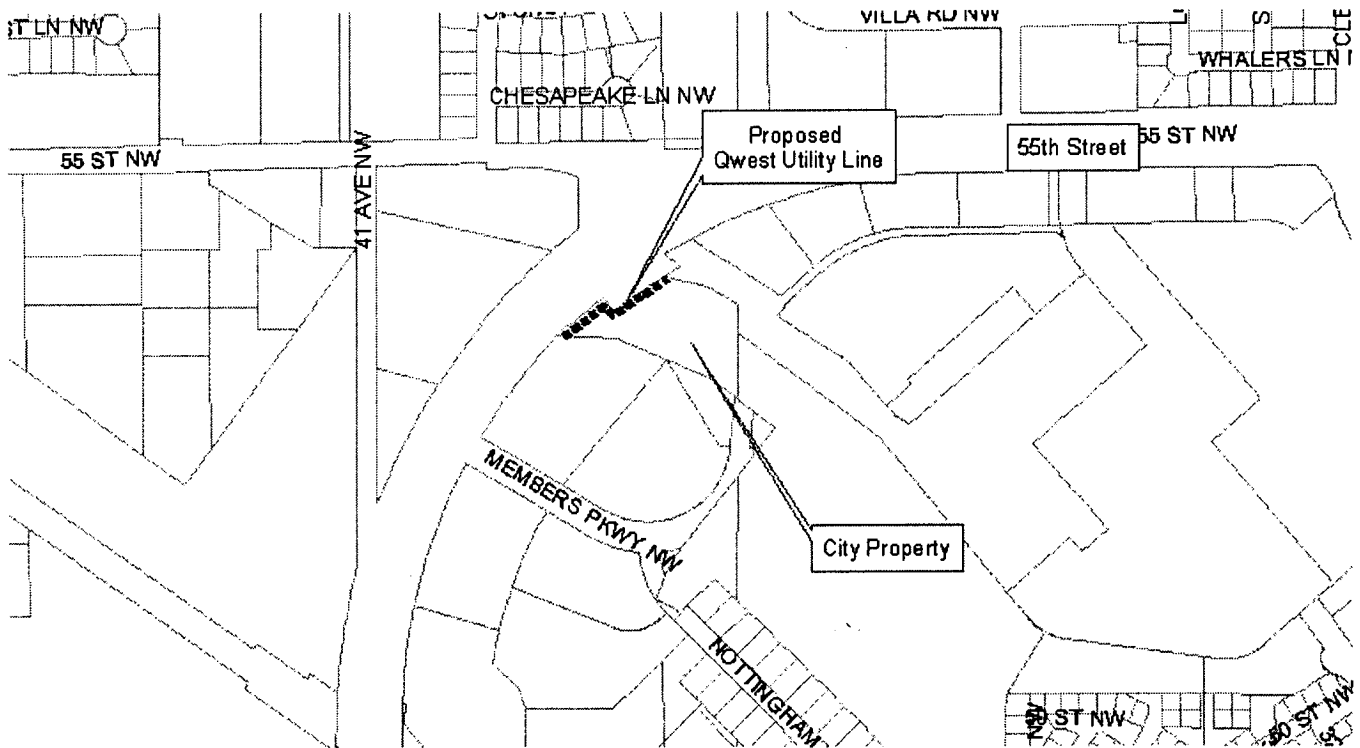
DATE: 05/19/03

63

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-24
ITEM DESCRIPTION: Revocable Permit: Qwest underground telephone utility line in Lincolnshire Park.		PREPARED BY: M. Nigbur

Qwest Communication has requested the City issue a revocable permit for an underground telephone utility line for Qwest within property owned by the City of Rochester in the Lincolnshire Park area. The proposed encroachment would not interfere with any improvements on the City's property. The maximum encroachment into the City's property is 10 feet directly abutting the West Circle Drive Right of way.

Staff has reviewed the request and would recommend in favor of granting a Revocable Permit. The owners have executed a Revocable Permit which includes the standard language for revocation and liability protection for the City.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the revocable permit with Qwest Communications to allow the placement of an underground telephone utility line within property owned by the City of Rochester in the Lincolnshire Park area.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

65
5/19/03**AGENDA SECTION:**
CONSENT AGENDA**ORIGINATING DEPT:**
Public Works**ITEM NO.**

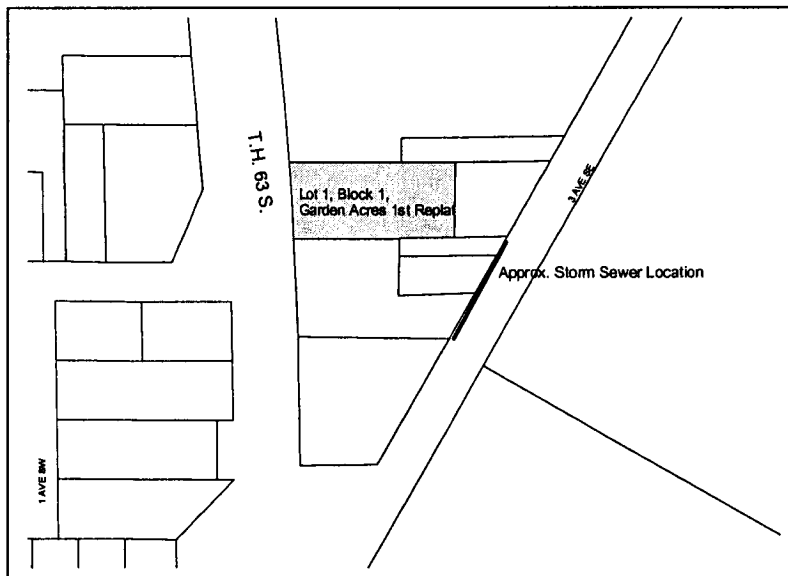
D-25

ITEM DESCRIPTION: Owner Contract – Stormsewer Extension on 3rd Ave SE to Serve Robertson Motors (Lot 1, Block 1, Garden Acres First Replat) - J5085**PREPARED BY:**

M. Baker

Staff would offer the following Owner Contract project for consideration by the Council:

Robertson Motors (Owner) & Friedrich Construction, Inc. (Contractor) are requesting a City / Owner Contract J5085, consisting of "Stormsewer Extension on 3rd Ave SE to Serve Robertson Motors (Lot 1, Block 1, Garden Acres First Replat)".

**COUNCIL ACTION REQUESTED:**

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5085 "Stormsewer Extension on 3rd Ave SE to Serve Robertson Motors (Lot 1, Block 1, Garden Acres First Replat)."

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

66

REQUEST FOR COUNCIL ACTION

MEETING

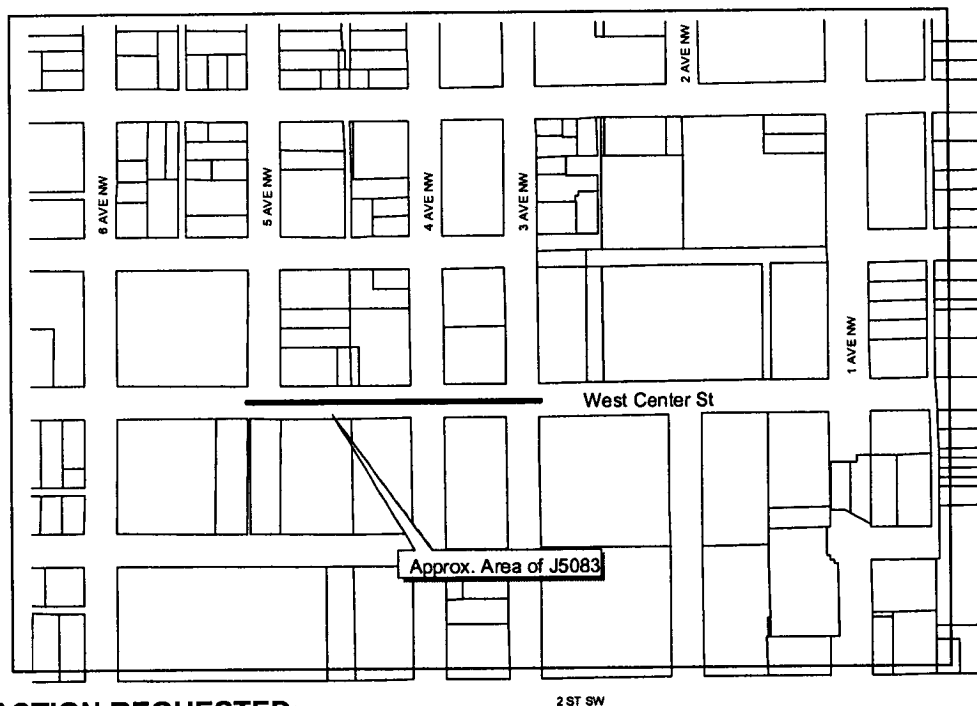
DATE: 5/19/03

67

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-26
ITEM DESCRIPTION: Owner Contract – Relocation of Public Utilities in West Center Street from 3 rd Ave to 5 th Ave, for the Mayo Pedestrian Subway - J5083		PREPARED BY: M. Baker

Staff would offer the following Owner Contract project for consideration by the Council:

Mayo Clinic Rochester (Owner) & Fraser Construction, Inc. (Contractor) are requesting a City / Owner Contract J5083, consisting of "Relocation of Public Utilities in West Center Street from 3rd Ave to 5th Ave for the Mayo Pedestrian Subway".



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5083 "Relocation of Public Utilities in West Center Street from 3rd Ave to 5th Ave, for the Mayo Pedestrian Subway".

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5/19/03

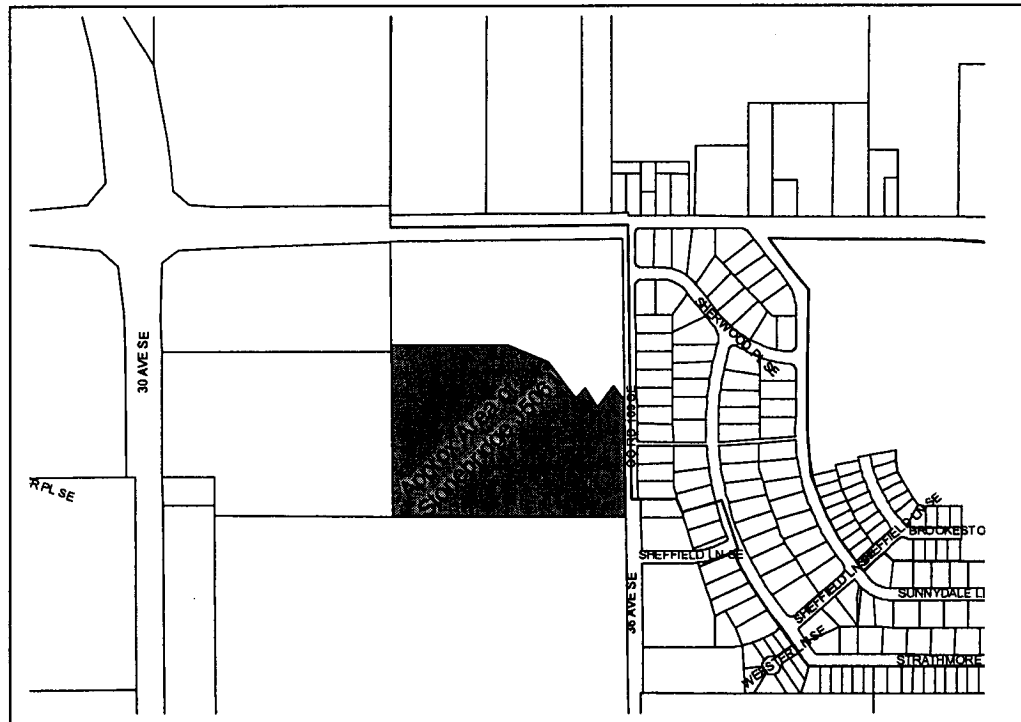
69

AGENDA SECTION:
CONSENT AGENDA**ORIGINATING DEPT:**
Public Works**ITEM NO.**
D-27**ITEM DESCRIPTION:** Owner Contract – Basic Construction in Stonebridge - J5061**PREPARED BY:**

M. Baker

Staff would offer the following Owner Contract project for consideration by the Council:

Exemplar, Inc. Money Purchase Pension Plan, a Minnesota Trust (Owner) & S.J. Louis Construction, Inc. (Contractor) are requesting a City / Owner Contract J5061, consisting of "Basic Construction in Stonebridge".

**COUNCIL ACTION REQUESTED:**

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5061 "Basic Construction in Stonebridge".

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5/19/03

71

AGENDA SECTION:
CONSENT AGENDA**ORIGINATING DEPT:**
Public Works**ITEM NO.**
D-28**ITEM DESCRIPTION:** Owner Contract – Basic Construction in 41st Street Business Park
- J5079**PREPARED BY:**
M. Baker

Staff would offer the following Owner Contract project for consideration by the Council:

Elton Hills Plaza West LLC (Owner) & Elcor Construction, Inc. (Contractor) are requesting a City / Owner Contract J5079, consisting of "Basic Construction in 41st Street Business Park".

**COUNCIL ACTION REQUESTED:**

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5079 "Basic Construction in 41st Street Business Park".

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

13

DATE:

5/19/03

AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

ITEM NO.

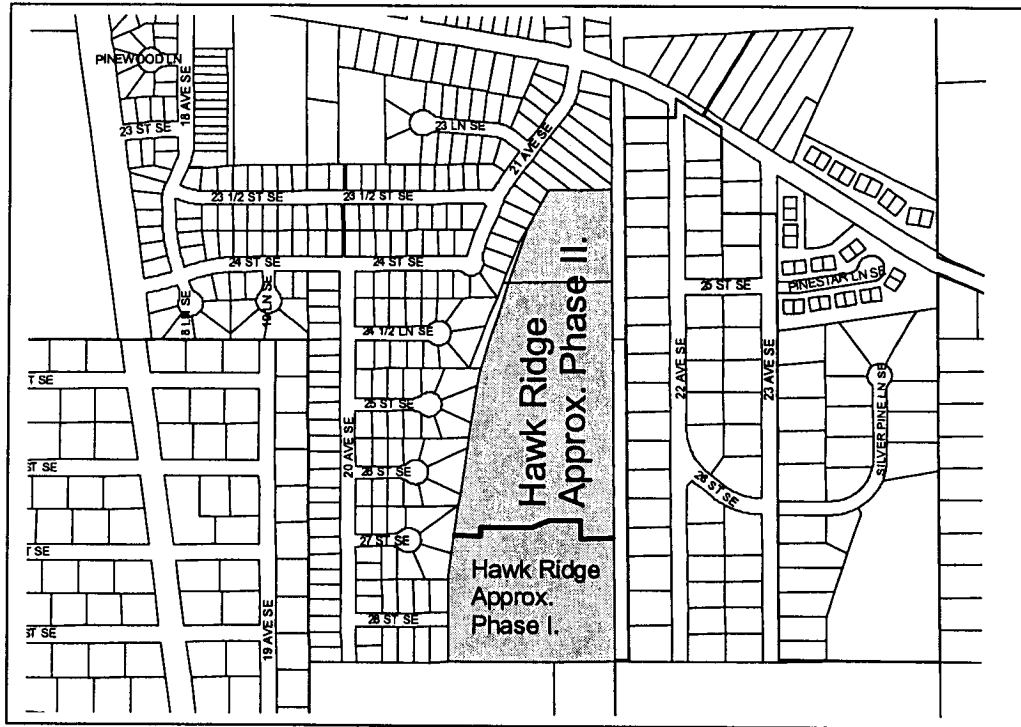
D-29

ITEM DESCRIPTION: Owner Contract – Basic Construction in Hawk Ridge - J5040**PREPARED BY:**

M. Baker

Staff would offer the following Owner Contract project for consideration by the Council:

Hawk Ridge Development LLC (Owner) & Elcor Construction, Inc. (Contractor) are requesting a City / Owner Contract J5040, consisting of "Basic Construction in Hawk Ridge".

**COUNCIL ACTION REQUESTED:**

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5040 "Basic Construction in Hawk Ridge".

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

5/19/03

17

AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

ITEM NO.

D-31

ITEM DESCRIPTION:

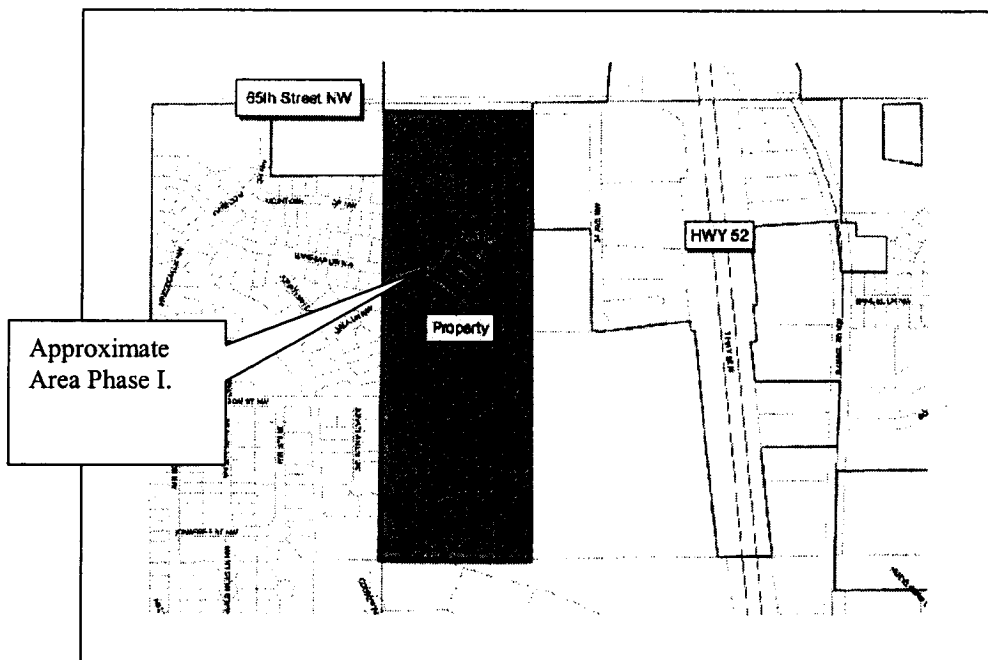
Owner Contract – Watermain Extension & Hydrant(s) to Serve New Life Worship Center Phase I. - J5048

PREPARED BY:

M. Baker

Staff would offer the following Owner Contract project for consideration by the Council:

New Life Worship Center (Owner) & Bob Braaten Construction, Inc. (Contractor) are requesting a City / Owner Contract J5048, consisting of "Watermain Extension & Hydrant(s) to Serve New Life Worship Center Phase I."

**COUNCIL ACTION REQUESTED:**

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5048 "Watermain Extension & Hydrant(s) to Serve New Life Worship Center Phase I."

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5/19/03

79

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-32
ITEM DESCRIPTION: First Supplemental Amendment to the Boulder Ridge Development Agreement		PREPARED BY: M. Baker

BACKGROUND:

The City Council approved a Development Agreement for Boulder Ridge on or about October 16, 2001. The Owner, Arcon Development, Inc., have requested an amendment to the Boulder Ridge Agreement to address changes that have occurred related to providing Trunkline Sanitary Sewer to a portion of the Property, as well as, dedication of an Outlot to the City, and formalizing an understanding between the City and Owner regarding the construction of the roadway connection of 24th Ave NW lying between Boulder Ridge Third and Bandel Hills Third.

Public Works has prepared a Supplemental Agreement that has been executed by the Owner to address the items indicated above. Staff recommends that the Council approve said Supplemental Agreement.

COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute the First Supplemental Development Agreement with Arcon Development, Inc., for the Boulder Ridge property.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

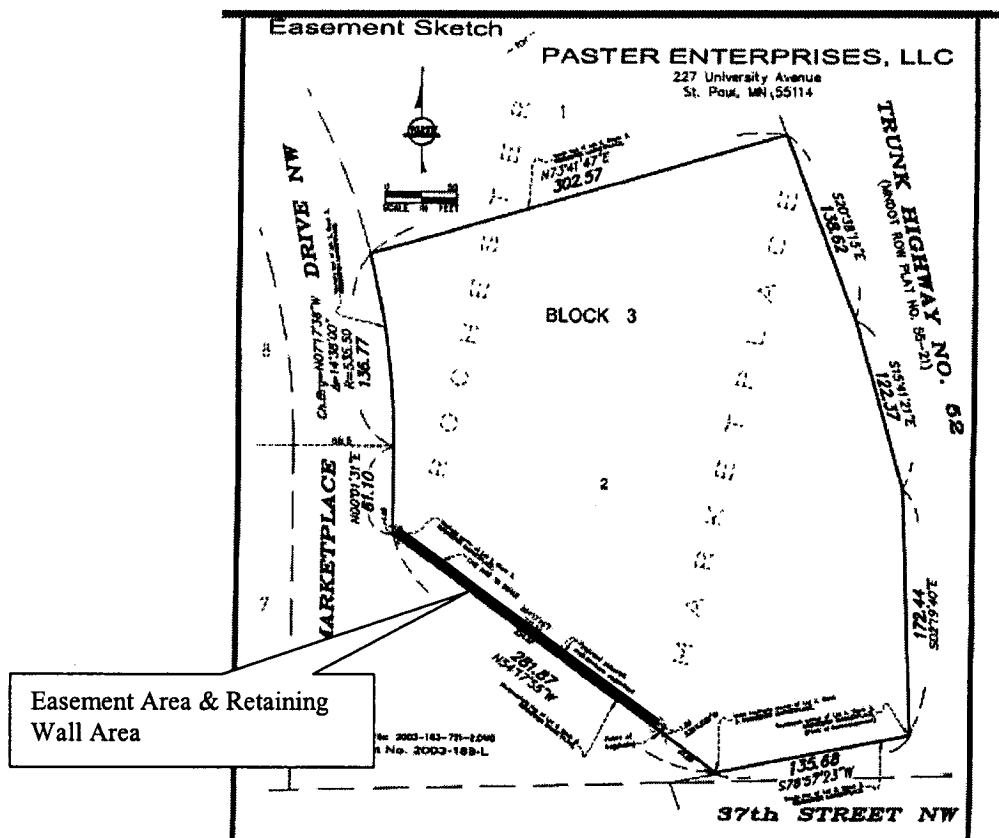
DATE: 05/19/03

81

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-33
ITEM DESCRIPTION: Revocable Permit: Placement of a retaining wall within a Drainage/Utility easement of L2 B3 Rochester Marketplace		PREPARED BY: M. Nigbur

Paster Enterprises has requested the City issue a revocable permit for a retaining wall within a Drainage/Utility easement of L2 B3 Rochester Marketplace. The proposed encroachment would not interfere with any improvements within the easement area. The maximum encroachment into the City's property is 8 feet. The Owner has agreed to dedicate a sidewalk maintenance easement and make provisions for the utilities within the easement area.

Staff has reviewed the request and would recommend in favor of granting a Revocable Permit. The owners have executed a Revocable Permit which includes the standard language for revocation and liability protection for the City.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the revocable permit with Paster Enterprises to allow the placement of a retaining wall within a Drainage/Utility easement of L2 B3 Rochester Marketplace.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5/19/03

83

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-34
ITEM DESCRIPTION: STORMWATER MANAGEMENT AGREEMENTS		PREPARED BY: M. Baker

The Department of Public Works has received a request on four (4) properties, to voluntarily participate in the City's Regional Storm Water Management Plan (SWMP). This department has reviewed the information for these properties and has determined that there is support for participation. The Owners have requested voluntary participation in the City's Plan, with the applicable participation fees as follows:

Stopped here

- Corporate Gardens Plaza Building Addition (SDP#03-04)
2014 2nd St SW Property \$ 3,479.54
- Ascension Lutheran Church (SDP#03-25)
2207 11th Ave SE \$ 3,976.74
- Greenway Co-op Building Addition (SDP#03-26)
Lot 1, Block 1, 37th Street Business Park \$ 302.21
- Expert Insulation (SDP#03-29)
Lot 11, Block 1, Airport Industrial Park \$ 3,220.32

The Owners have already provided payment for their respective charges. These funds will be deposited upon acceptance by the Council for the properties to participate in the City's Plan.

COUNCIL ACTION REQUESTED:

Adopt a Resolution accepting voluntary participation by the above noted properties, in the City's Regional Storm Water Management Plan (SWMP).

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5/19/03

85

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-35
ITEM DESCRIPTION: Feasibility Report for Sanitary Sewer and Watermain to Serve the Welch Subdivision Area, J9789		PREPARED BY: J. Loehr

This is the Feasibility Report for the construction of sanitary sewer and watermain to serve the Welch Subdivision Area in a project described as follows:

Project No. M1-28, J9789

"Sanitary Sewer and Watermain Extension to Serve the Welch Subdivision Area."

The estimated construction costs and expense of this project are as follows:

Sanitary Sewer	\$ 81,885
Watermain	104,166
Service Connections	24,465
Restoration	113,031
Sub-Total	\$323,547
Engineering, Interest, Contingencies	97,064
Total Estimated Project Cost	\$420,611

Department of Public Works staff conducted an informational meeting on September 30, 2002 at the request of several owners of property located adjacent to 33rd Street SE in the Welch Subdivision Area. The meeting was conducted to provide information regarding the City of Rochester Water Quality Protection Program adopted by the City Council on December 21, 1998, and to provide the Area a "second chance" to participate in the WQPP.

A Public Hearing was previously conducted on May 7, 2001 for a Welch Subdivision Area sanitary sewer and watermain project, at which time the City Council, due to a lack of neighborhood support, adopted a resolution to not proceed with the project.

33rd Street SE is a portion of the original Welch Subdivision project area. The 33rd Street property owners now desire to participate in the Water Quality Protection Program and request City Council consideration to extend sanitary sewer and watermain to serve the properties adjacent to 33rd Street SE

The Welch Subdivision Area and the lots contained therein are currently located outside the City of Rochester. However, an Orderly Annexation Agreement #5 between the City and Marion Township was adopted by the City Council on September 20, 1999 for the Welch Subdivision Area.

The project is proposed to be funded from sewer and water connection charges (Utility Connection Agreements) and Sales Tax revenue appropriated to the Water Quality Protection Program for rate caps and per lot caps, and Rochester Public Utilities for oversize watermain costs.

COUNCIL ACTION REQUESTED:

1. Adopt a resolution accepting the Feasibility Report.
2. Adopt a resolution establishing a Project Hearing for June 16, 2003.

Attachments: Feasibility Report
Location Map

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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REPORT ON THE FEASIBILITY OF PROPOSED
LOCAL IMPROVEMENT PROJECT
TO SERVE THE WELCH SUBDIVISION AREA.

May 19, 2003

Honorable Mayor & Common Council
City of Rochester, Minnesota

A petition for sanitary sewer and watermain to serve the Welch Subdivision Area was forwarded by the City Council at their meeting of May 17, 1999 to the Public Works Department for the preparation of a Feasibility Report. The petition was checked and found to be in proper form and was signed by 9 of 13 property owners of developed lots that contain either a single-family residential dwelling or a commercial structure. This represents 69.2 percent of the developed lots within the Welch Subdivision Area that are eligible to participate in the City of Rochester, Water Quality Protection Program adopted by the City Council on December 21, 1999. The Welch Subdivision Area also includes 7 undeveloped lots.

Feasibility Report

We report that the above referenced project is feasible and recommend its construction. The location of this project is within an area of existing single-family residential development and existing commercial development that currently lacks city sanitary sewer and watermain. A majority of the septic systems and wells within the Area were constructed prior to the State of Minnesota and Olmsted County having any requirements or standards for construction of septic systems and wells. The lots are typically under ½ acre in size and are unable to absorb the nitrates created from the septic systems. There is an increasing threat of contamination to the City of Rochester's ground water supply as the existing septic systems and wells begin to fail. This project would allow property owners of lots containing existing single-family residential dwellings and developed commercial lots to connect to public sanitary sewer and water systems rather than replacing their old systems when they fail. This project also allows the undeveloped lots to develop with city sewer and watermain

The costs of this project are proposed to be recovered through sanitary sewer and watermain connection charges (Utility Connection Agreements), sales tax revenue appropriated to the City of Rochester, Water Quality Protection Program for existing single-family residential development and developed commercial property, and Rochester Public Utility share for oversize watermain costs.

The proposed project consists of the installation of an 8-inch sanitary sewer lines, 8 and 12-inch watermain lines, and sanitary sewer and water service connections throughout the Welch Subdivision Area.

City sanitary sewer will be available at the west edge of the Welch Subdivision Area after sanitary sewer is constructed to serve the Thomas Subdivision Area located north of the Welch Subdivision Area.

Watermain is currently available at the intersection of 30th Avenue SE and Marion Road SE. Trunk watermain will be extended from that location to serve the Welch Subdivision Area and other subdivisions in Marion Township that are located between 30th Avenue and the Welch Subdivision Area that have requested the extension of city sanitary sewer and watermain through the City of Rochester Water Quality Protection Program Area.

Applicable Connection Charge Rates and per Lot Caps

Since the original Welch Subdivision Area petition was received prior to August 1, 1999, the date that the Water Quality Protection Program rates and per lot caps were adjusted by the change in the Engineering News Record Construction Cost Index as measured in the Minneapolis/St. Paul area during the preceding calendar year, the Department of Public Works recommends that the sanitary sewer and watermain connection charges for this project be based on the connection charge rates and per lot caps in affect at the time the petition was received by the City as follows:

- Maximum sanitary sewer and water connection charge rate of \$66.30 per foot of frontage.
- Maximum sewer and water connection charge per lot cap for a developed lot that contains a habitable single family dwelling unit shall be as follows:
 - 1) maximum \$8,160 per lot for any developed lot 1/2 acre or less.
 - 2) \$8,160 per lot, plus \$0.19 per square foot for any developed lot greater than 1/2 acre up to 1-1/2 acre.
 - 3) maximum \$16,320 per lot for any developed lot 1-1/2 acre or larger.

The estimated construction costs and expenses of the project made without completed plans or survey are as follows:

Sanitary Sewer	\$106,451
Watermain	135,416
Sewer and Water Service Connection Stub-Outs	31,804
Restoration	146,940
Estimated Cost of the Project	\$420,611

The estimated project costs are proposed to be funded as follows:

Utility Connection Agreements	\$211,254
Rochester Public Utilities (oversize watermain costs)	5,500
Sales Tax Revenue (see below)	203,857
Estimated Project Costs	\$420,611

Amount of sales tax revenue required for the Project

Sales Tax (Rate Cap and per Lot Cap)	\$191,754
Sales Tax (Sewer Service Stub-Out Allowances) 13 services x \$750/serv.	9,750
Sales Tax (Water Service Stub-Out Allowances) 13 services x \$750/serv.	9,750
Estimated Amount of Sales Tax Funding Required for Construction of Project	\$211,254

Estimated additional sales tax revenue required for work on private property

Of the 20 lots within the project area 12 lots contain a single-family residential dwelling and 1 lot is a developed commercial property. These lots are eligible for *Allowances* through the Water Quality Protection Program as follows:

Sewer Service Lateral	13 lots x \$1,000 per lot	\$ 13,000
Water Service Lateral	13 lots x \$1,000 per lot	13,000
Well Closure	13 lots x \$1,100 per lot	13,000
Septic Closure	13 lots x \$ 500 per lot	6,500
Estimated Amount of Sales Tax Revenue Required for <i>Allowances</i> for Work on Private Property		\$ 45,500

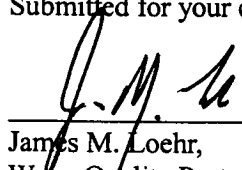
Estimated sales tax revenue required for construction of Project and *Allowances*

Estimated Amount of Sales Tax Revenue for Construction of the Project	\$211,254
Estimated Amount of Sales Tax Revenue Required for <i>Allowances</i>	45,500
Estimated Amount of Sales Tax Revenue Required for Construction of the Project and <i>Allowances</i> for Work on Private Property	\$256,754


We recommend that the necessary funding to construct sanitary sewer, watermain and service connections in the Welch Subdivision Area be done so in accordance with the City of Rochester's existing sanitary sewer and watermain connection charge policies and the Water Quality Protection Program. Property owners that desire to participate in the Water Quality Protection Program and the benefits contained therein, are required to:

1. Enter into a Utility Connection Agreement with the City within three (3) years of the date the City initiates the project.
2. Connect the existing single-family residential dwelling or existing developed commercial property to the public sewer and water systems within five (5) years of the date of project initiation.
3. Consent to annexation of their property consistent with the conditions of an Orderly Annexation Agreement between the City and Rochester Township, or to the City initiated annexation of the Area as is currently proposed by the City.

Submitted for your consideration:



James M. Loehr,
Water Quality Protection Program
Project Manager



Richard W. Freese
Director of Public Works
City Engineer

89

BUDGET AND ASSESSMENT SCHEDULE FOR CONSTRUCTION CONTRACT

Project No: M1-28
J No: 9789

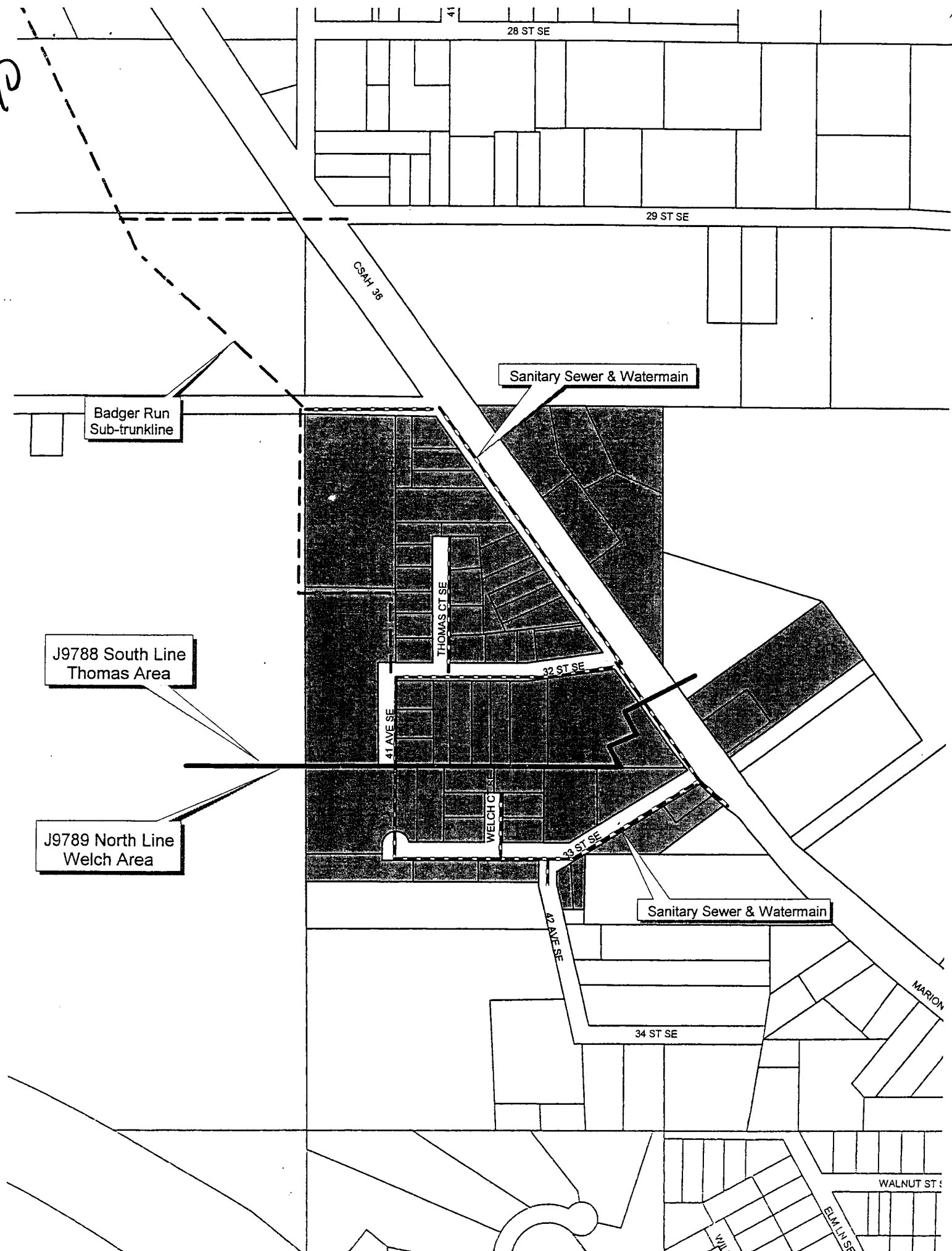
Date (Orig.) 05/19/2003

Description: Sanitary Sewer & Watermain Extension to Serve the Welch Subdivision Area

	Project Budget	Contract Cost	Final Cost
Construction			
<u>Sanitary Sewer</u>	<u>\$ 81,885</u>		
<u>Watermain</u>	<u>104,166</u>		
<u>Service Connections</u>	<u>24,465</u>		
<u>Restoration</u>	<u>113,031</u>		
<u>Engineering/Interest/Contingency</u>	<u>97,064</u>		
Total Construction & Expense	<u>\$ 420,611</u>		
Cost Distribution			
Anticipated Utility Connection Agreements	<u>\$ 203,857</u>		
Rochester Public Utilities (oversize watermain)	<u>5,500</u>		
Sales Tax Funding	<u>211,254</u>		
TOTAL	<u>\$ 420,611</u>		

Make Initial Disbursement from P. I. R. Fund

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Badger Run
Sub-trunkline

Sanitary Sewer & Watermain

J9788 South Line
Thomas Area

J9789 North Line
Welch Area

Sanitary Sewer & Watermain

WALNUT ST SE

EM LN SE

MARION

34 ST SE

42 AVE SE

33 ST SE

32 ST SE

THOMAS CT SE

41 AVE SE

WELCH CT SE

28 ST SE

29 ST SE

CSAH 36

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5/19/03

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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-36
ITEM DESCRIPTION: Advertisement of Bids: Sanitary Sewer to Serve Sewer Service Area 28J, J7702		PREPARED BY: J. Loehr

This is a request for a resolution to advertise for bids. The bids will be received until 11:00 AM at the office of the City Clerk on June 26, 2003 and considered by the City Council on July 7, 2003 for the following project:

Project No. M2-09, J7702**"Sanitary Sewer Extension to Sewer Service Area 28J".**

The project Feasibility Report proposes that the project be funded through Development and/or Contribution Agreements between the City of Rochester and the three petitioners of the project (Arcon, Big-De Development, and Jerry Nelson).

The execution of three separate Development Agreement and/or Contribution Agreements between the City and the three petitioners of the project is required prior to the award of bids for the project. Payment of the charges attributable to each petitioner's property is required consistent with the terms and conditions of each respective Development/Contribution Agreement.

Since the sanitary sewer will be installed along the proposed alignment of Overland Drive NW grading of Overland Drive is required in conjunction with the sanitary sewer project.

COUNCIL ACTION REQUESTED:

A resolution should be adopted authorizing the City Clerk to advertise for bids and conduct a bid opening on June 26, 2003 at 11:00 AM.

Note to City Clerk;

Advertise 3 times in the Post Bulletin and Construction Bulletin beginning **May 30, 2003.**

Att: Map
Notice of bid

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

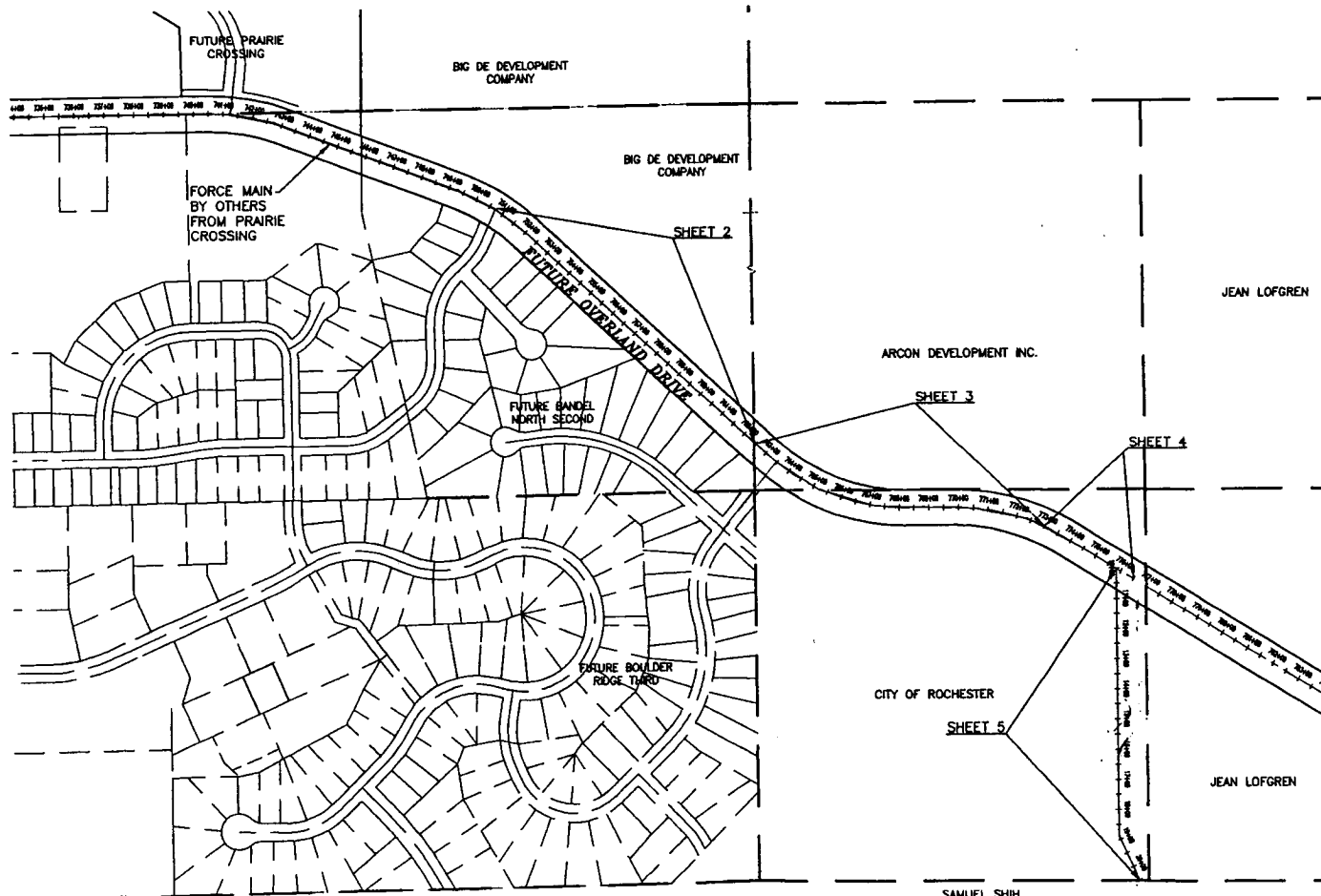
CONSTRUCTION NOTES

CITY OF ROCHESTER

PROJECT NO. M2-08 J. 7701

SANITARY SEWER EXTENSION SERVICE AREA 28J AND TEMPORARY SEWER SERVICE TO PRAIRIE CROSSING

SCALE: 1" = 200'



Index

Sheet 1 of 5	Sheets	TITLE SHEET
Sheet 2 of 5	Sheets	OVERLAND DR. N.W.
Sheet 3 of 5	Sheets	OVERLAND DR. N.W.
Sheet 4 of 5	Sheets	OVERLAND DR. N.W.
Sheet 5 of 5	Sheets	CITY PROPERTY

Legend

	Inplace	Construct
Manhole		
Sanitary Sewer		
Sanitary Sewer Wye		
Storm Sewer		
Catch Basin		
Watermain		
Hydrant		
Gate Valve & Box		
Tree		
Crack		
Reducer		
Curb & Gutter, Driveway		
Curb & Gutter, B-624		
Service Curb Box		

Approved By _____ Assistant City Engineer _____ Date _____

Approved By _____ Director of Public Works _____ Date _____

SAMUEL SHIH

<p>Job</p> <p>Revisions</p> <p>Notes</p> <p>I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.</p> <p>DATE 11/10/03</p> <p>Scale 1" = 200'</p> <p>Sheet 1 of 5</p>	<p>Lead Surveying</p> <p>Urban-Land Planning</p> <p>Consulting - Civil Engineering</p> <p>1040 Third Avenue S.E. Bloomington, MN 55404</p>	<p>McGraw Hill</p> <p>Construction Engineering</p> <p>Construction Materials Testing</p> <p>Landmarks Architecture</p> <p>101 W. 10th Street Bloomington, MN 55404</p>	<p>CITY OF ROCHESTER DEPT. OF PUBLIC WORKS ROCHESTER, MN</p> <p>Designed By: DMB Checked By: DMB Scale: 1" = 200' Sheet No.: 0007/2373 Date: 01/28/03 PROJECT</p>
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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5/19/03

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Police	ITEM NO. D-37
ITEM DESCRIPTION: Revision to City Ordinance 134.46 - Disabled Vehicles		PREPARED BY: Sgt. Bob Schei

The following revision to City Ordinance #134.46 – Disabled Vehicle is being proposed:

134.46 Disabled Vehicles. Subdivision 1. The provisions of this chapter relating to stopping, standing, and parking of vehicles shall not apply to the owner or driver of any vehicle which is disabled while on the roadway of any street or alley in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in an illegal position.

Subdivision 2. Notwithstanding the provisions of Subd. 1, any police officer who finds a vehicle unattended upon any street or highway or alley where such vehicle constitutes an obstruction to traffic or a safety hazard is hereby authorized to provide for the removal of such vehicle. The cost of removing such vehicle shall be borne by the owner thereof.

Dave Goslee, Deputy City Attorney, has reviewed and approved proposed change.

COUNCIL ACTION REQUESTED: Approval of addition of subd. 2 to City Ordinance 134.46 as indicated above.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5/19/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: PARK & RECREATION	ITEM NO. D-38
ITEM DESCRIPTION: RELEASE OF LIABILITY STATEMENT		PREPARED BY: RSUTHERLAND

The Rochester Park and Recreation Department and its Adaptive Recreation Program would like to co-sponsor an adaptive equestrian program at the Ironwood Springs Christian Ranch, 7291 County Road 6 SW, Stewartville, MN 55976.

In order to use this facility, Ironwood Springs Christian Ranch has asked to have a release of liability statement provided to them.

COUNCIL ACTION REQUESTED:

Approval of a release of liability statement to co-sponsor an adaptive equestrian program.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING ⁹³ 05-19-03
DATE:

AGENDA SECTION: PUBLIC HEARINGS		ORIGINATING DEPT: PUBLIC WORKS	ITEM NO. E-1
ITEM	2003 APPLICATIONS FOR FEDERAL TRANSIT ASSISTANCE		PREPARED BY: A KNAUER <i>AK</i>

This is a public hearing to consider a proposed annual Program of Projects for the expenditure of federal transit assistance funds. Grant applications for these federal transit assistance funds will be submitted based on the final adopted program. Actual capital expenditures are still subject to Council approval and will be reviewed once the grants are approved by the Federal Transit Administration (FTA).

The attached summary shows the available federal funds and a description of how the City intends to commit those funds. This is referred to as the "Program of Projects".

This years program includes a number funding sources that have been made available to the City. The 2003 apportionment for Rochester (Section 5307 funds) amounted to \$1,036,037. This can be used for operating or capital. The State requires that \$447,077 of this amount be used for 2003 operating expenses. The remainder is being dedicated to capital bus purchases with a balance carried over for future projects. Federal sources also included Section 5309 funds in the amount of \$889,725 for bus purchases. These are special funds that are over the annual FTA apportionment. These funds were also identified for bus purchases. In addition the State approved \$467,966 in 2004 federal Surface Transportation Program funds for bus purchases. FTA capital grants such as for bus purchases provide 80% funding requiring a 20% local match. The current CIP shows the City levy for this 20% match (\$385,620) in 2004. (Once the grants are approved and the equipment is ordered it takes 52 weeks until delivery. The actual expenditure is usually 30 days following delivery.

The projects include; 2003 operating assistance, the purchase of up to 6 buses for regular route services and the purchase of 1 bus for dial-a-ride operations. The bus purchases are a continuation of the bus replacement program initiated in 2002. The regular route buses being replaced are 1980 vintage. The dial-a-ride bus is a 1989 model and considered a 10 year bus. The projects are consistent with City's adopted Capital Improvements Program.

REQUESTED COUNCIL ACTION

Adopt the prepared resolutions authorizing;

1. The submittal of a grant applications for 2002 operating and capital assistance from the Federal Transit Administration under 49 USC Section 5307 –Urbanized Area Formula and authorizing the Mayor's signature of subsequent grant contracts.
2. The submittal of a grant application for capital assistance from the Federal Transit Administration under 49 USC Section 5309 and authorizing the Mayor's signature of subsequent grant contracts.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

ay

2003 PROGRAM OF PROJECTS

4/24/2003

FUNDING		<u>PROGRAM OF PROJECTS</u>			
FTA Section 5307 Apportionment for 2002	\$	1,036,037			
FTA Carryover Funds from Previous years	\$	-			
FTA Section 5309 Funds / Rochester	\$	498,725			
FTA Section 5309 Funds / MNDOT	\$	391,000			
FHWA (2004 STP Funds)	\$	467,966			
Total Federal Funds Available	\$	2,393,728			2003-2005 STIP LINE #
DESCRIPTION OF PROJECTS		LOCAL (1)	FEDERAL (2)	TOTAL	
1. OPERATING ASSISTANCE					
Operating Assistance for CY 2003					717
Regular Route and Dial-A-Ride Services	\$	2,425,639	\$ 447,077	\$ 2,872,716	718
2. CAPITAL - Purchase of Up to Six Buses for Regular Route Services	\$	340,820	\$ 1,363,282	\$ 1,704,102	719 793 804
3. CAPITAL-Purchase of Up to One Bus for Dial-A-Ride	\$	44,800	\$ 179,200	\$ 224,000	805
TOTALS	\$	2,811,259	\$ 1,989,559	\$ 4,800,818	
FTA Balance Carried Over for Future Projects			\$ 404,169		

(1) Local includes program revenues (fares and advertising), State of Minnesota and City
Local tax levy is used only for capital items.

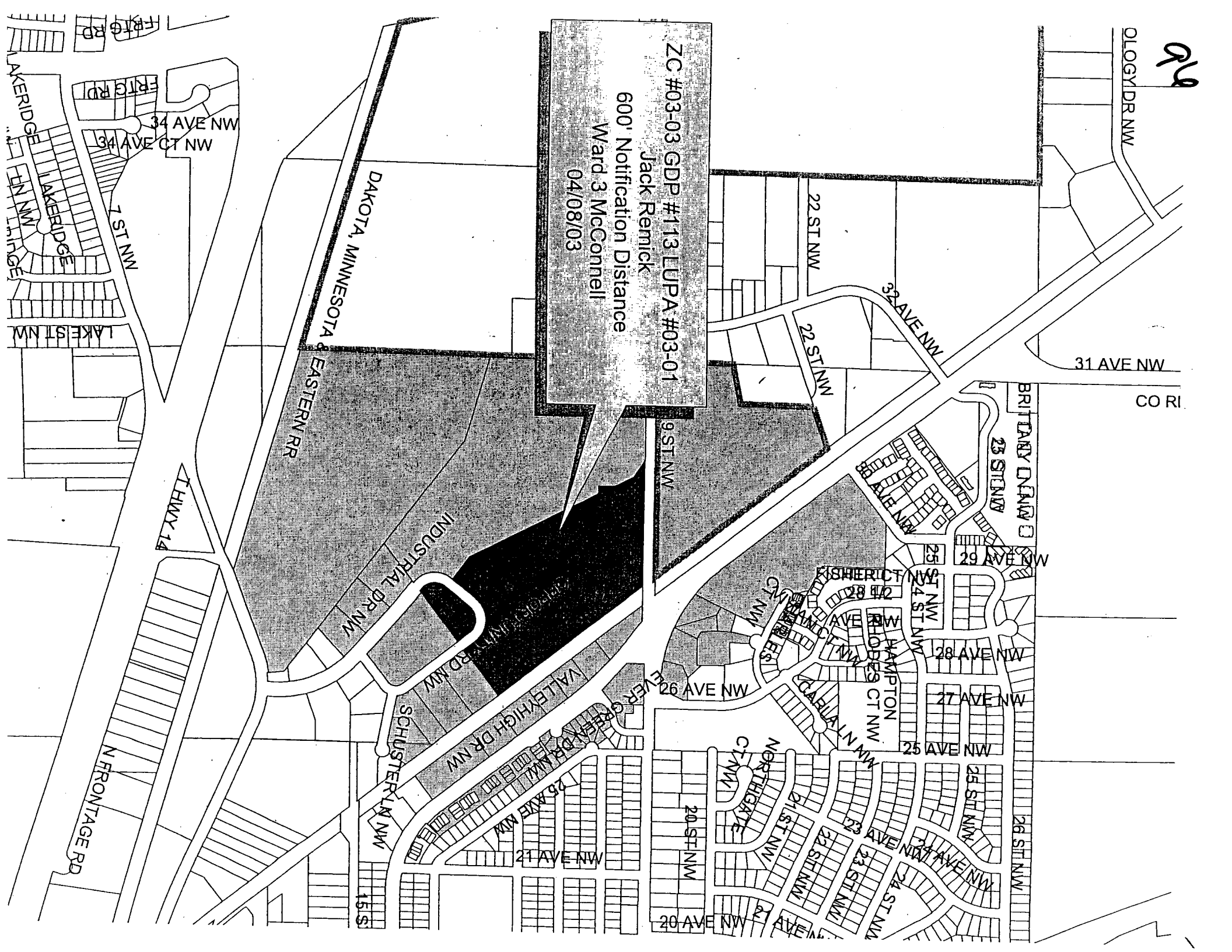
(2) Includes Federal Transit Administration (FTA) and Federal Highway Administration (FHWA)

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<u>REQUEST FOR COUNCIL ACTION</u>		MEETING DATE: <u>5-19-03</u>
AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-2
ITEM DESCRIPTION: Land Use Plan Map Amendment #03-01 by Jack Remick to amend the Land Use Plan designation from "Medium Density Residential" to "Industrial" on approximately 27.63 acres of land. The property is platted as Lot 1, Block 1 and Lot 1, Block 2 Athletic Club Subdivision and is located along Industrial Drive NW, south of 19 th Street NW and west of Valleyhigh Drive NW.		PREPARED BY: Brent Svenby, Planner
<p>May 14, 2003</p> <p><u>City Planning and Zoning Commission Recommendation:</u></p> <p>The City Planning and Zoning Commission held a public hearing on April 23, 2003 to consider the Land Use Plan Amendment request for the property. The applicant is requesting to designate approximately 27.63 acres be designated for "Industrial" on the Rochester Urban Service Area Land Use Plan.</p> <p>Ms. Kristi Clarke, of McGhie & Betts, Inc., addressed the Commission and explained the applications submitted by the applicant and the zoning history of the property.</p> <p>The Commission discussed whether the area proposed to be designated "Industrial" is appropriate based on the criteria as included in the staff report. The Commission is recommending approval, with the following findings.</p> <p>Ms. Petersson made a motion to recommend approval of Land Use Plan Amendment #03-01 by Jack Remick based on staff findings. Mr. Haeussinger seconded the motion. The motion carried 8-0.</p> <p>a) <i>The property has fairly level to rolling terrain. An existing wetland dissects the property.</i></p> <p>b) <i>This property has direct access to 19th Street NW which is identified as an arterial roadway on the ROCOG Thoroughfare Plan. 19th Street NW also connects to West Circle Drive which is an expressway on the ROCOG Thoroughfare Plan.</i></p> <p>c) <i>The property consists of approximately 27.63 acres, which is adequate area for the expansion of industrial uses. The property to the south is an industrial park and is developed with industrial/commercial uses.</i></p> <p><i>The Land Use Plan refers to "industrial" designation as an area intended primarily for manufacturing, transportation related facilities, communication related facilities, privately owned utilities, warehousing and outside storage of materials and equipment and uses of similar character. Industrial uses are characterized by relatively high levels of truck traffic and noise.</i></p> <p>d) <i>Public utilities are available to serve the property. Sanitary sewer and water mains are located in Industrial Drive NW which can be extended to serve the development. Sanitary sewer is also available at the Rochester Athletic Club and would need to be extended to serve the northerly portion of the development. The applicant will need to coordinate with the utility agencies the extension of utilities to the property.</i></p> <p><u>Planning Staff Recommendation:</u> See attached staff report dated April 16, 2003</p>		
<u>Council Action Needed:</u>		
<p>1. <i>The Council may approve or deny this petition. The Council's decision must be supported by findings based on the criteria listed in the Land Use Plan (as included in the staff report).</i></p>		
<p>2. <i>If the Council wishes to proceed with the land use plan amendment as petitioned, it should instruct the City Attorney to prepare a resolution supported by findings of fact and conclusions of law.</i></p>		
COUNCIL ACTION: Motion by: _____ Seconded by: _____ to: _____		

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ZC #03-03 GDP #113 LUPA #03-01
Jack Remick
600' Notification Distance
Ward 3 McConnell
04/08/03



LAND USE PLAN

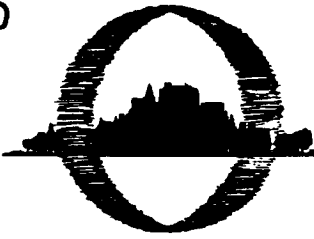


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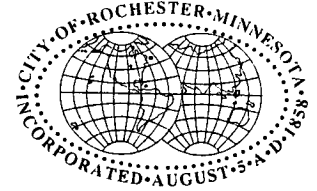


ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted



TO: City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE: April 16, 2003

RE: Land Use Plan Amendment #03-01 by Jack Remick to amend the Land Use Plan designation from "Medium Density Residential" to "Industrial" on approximately 27.63 acres of land. The property is platted as Lot 1, Block 1 and Lot 1, Block 2 Athletic Club Subdivision and is located along Industrial Drive NW, south of 19th Street NW and west of Valleyhigh Drive NW.

Planning Department Review:

Property Owner: Jack Remick
3100 19th Street NW
Rochester, MN 55901

Consultant: McGhie & Betts, Inc.
1648 Third Avenue SE
Rochester, MN 55904

Location of Property: The property is located along the south side of 19th Street NW and west of Valleyhigh Drive NW.

Requested Action: The applicant requests to amend the Rochester Urban Service Area Land Use Plan to designate approximately 27.63 acres of land for "industrial" uses. The property is currently designated for "medium density residential" uses. A Zoning District Amendment and General Development Plan amendment are being considered concurrent with this application.

In 1999 the property was rezoned from the M-1 district to the R-3 zoning district.

Existing Land Use: The property is currently vacant.

Proposed Land Use: The applicant has also filed a Land Use Plan amendment and a General Development Plan which are being considered concurrent with this application. The proposed GDP identifies the property being developed with commercial and industrial uses. The approved GDP identifies the property being developed with medium density residential uses.



**Adjacent Land Use and
Zoning:**

East: The property to the east is zoned B-1 (Restricted Commercial) and is designated for "Commercial" uses. A spur line for DM&E Railroad is also located along the east property line of the site.

South: The property to the south is the Fred Schuster Industrial Park. It is zoned M-2 (Industrial) and designated for "Industrial" uses on the Land Use Plan Map.

North: The property to the north is a farm that is zoned A-4 (Agricultural Urban Expansion) on the Olmsted County Zoning Map. It is designated as "Industrial" on the Rochester Urban Service Area Land Use Plan.

West: The property to the west of the site is the location of the Rochester Athletic Club. It is zoned M-1. There is also an area that is zoned R-3 that is undeveloped.

Transportation Access:

This site has frontage along 19th Street NW and Industrial Drive NW. 19th Street NW is designated as an arterial street on the Thoroughfare Plan Map. It is in close proximity to Valleyhigh Drive NW, a collector/arterial and West Circle Drive.

Wetlands:

A wetland delineation was completed in 1992 and therefore will have to be reviewed and resubmitted to the LGU for approval.

Neighborhood Meeting:

A neighborhood meeting was held on April 9, 2003. A summary of the meeting is attached.

Referral Comments:

See GDP attachments.

Report Attachments:

1. Location Map
2. Land Use Plan Map
3. Referral Comments - see GDP Report
4. Neighborhood Meeting Summary

Analysis:

The Rochester Urban Service Area Land Use Plan identifies location criteria for "Industrial" types of uses as follows:

- a) *Having level terrain (less than 5% slope).*

- b) Having excellent access to transportation facilities, including direct access to a freeway, expressway, or arterial. Access to either rail or air transportation is also desirable.*
- c) Having adequate area available for industrial expansion, providing adequate space for buffer areas, where needed, to protect adjacent residential use designations.*
- d) Served by utilities and public facilities.*

Staff Suggested Findings:

- a) The property has fairly level to rolling terrain. An existing wetland dissects the property.*
- b) This property has direct access to 19th Street NW which is identified as an arterial roadway on the ROCOG Thoroughfare Plan. 19th Street NW also connects to West Circle Drive which is an expressway on the ROCOG Thoroughfare Plan.*
- c) The property consists of approximately 27.63 acres, which is adequate area for the expansion of industrial uses. The property to the south is an industrial park and is developed with industrial/commercial uses.*

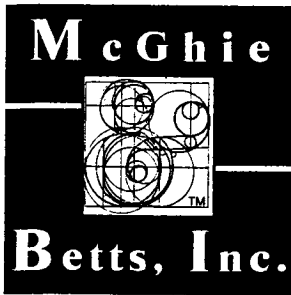
The Land Use Plan refers to "industrial" designation as an area intended primarily for manufacturing, transportation related facilities, communication related facilities, privately owned utilities, warehousing and outside storage of materials and equipment and uses of similar character. Industrial uses are characterized by relatively high levels of truck traffic and noise.

- d) Public utilities are available to serve the property. Sanitary sewer and water mains are located in Industrial Drive NW which can be extended to serve the development. Sanitary sewer is also available at the Rochester Athletic Club and would need to be extended to serve the northerly portion of the development. The applicant will need to coordinate with the utility agencies the extension of utilities to the property.*

Staff Recommendation:

The Planning Commission must make a motion to recommend approval or denial of this request. The Planning Commission must also make findings to support this recommendation. This recommendation will be forwarded to the City Council and heard at a later public hearing.

The ability to consider the Land Use Plan Amendment, Zone Change and the amendment General Development Plan concurrently allows the City to consider this development proposal as a package. ***Based upon the accompanying General Development Plan amendment for this site and the findings above, Staff recommends approval to amend the Land Use Plan to designate approximately 27.63 acres for industrial uses.***



Rochester
Minnesota

Land Surveying

Urban - Land Planning

Consulting - Civil Engineering

Geotechnical Engineering

Construction Material Testing

Landscape Architecture

April 10, 2003

Mr. Brent Svenby
Consolidated Planning & Zoning Department
2122 Campus Drive SE
Rochester, MN 55904

RE: Rochester Athletic Club Neighborhood Meeting Notes

Dear Mr. Svenby:

In accordance with Section 60.605 (B) of the amended zoning ordinance, we are submitting, on behalf of the applicant, Jack Remick, a copy of the minutes of the Neighborhood Informational Meeting which was held on April 9, 2003, 6:30 P.M. at, Rochester Athletic Club Rochester, Minnesota.

An attendance list is also enclosed for your reference.

If you have any questions, please contact me.

McGhie & Betts, Inc

A handwritten signature in black ink, which appears to read "Kristi L. Clarke". The signature is written in a cursive, flowing style.

Kristi L. Clarke, AICP
Land Planner

Attachment

pc: Mr. Jack Remick, Owner

1648 Third Avenue S.E.
Rochester, MN 55904

Tel. 507.289.3919
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Established 1946

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**Minutes of the Neighborhood Informational Meeting for
Rochester Athletic Club- Lot 1 BLK 1 & Lot 1 BLK 2
On April 9, 2003, 6:30 p.m. at Rochester Athletic Club**

It Attendance: See attached attendance list

Purpose: The purpose of the meeting was to introduce the proposed General Development Plan, Zone Change from R-3 to M-1 on 27.63 acres and Land Use Plan Amendment from Medium Density Residential to Mixed Commercial and Industrial to the neighborhood and to answer questions and document concerns or issues that may need further investigation or consideration.

General Discussion:

Ms. Clarke, representing McGhie & Betts, Inc. introduced the General Development Plan for the Rochester Athletic Club- Lot 1 BLK 1 & Lot 1 BLK 2 and the process for submitting and reviewing the plans. We discussed the purpose of a neighborhood informational meeting and outlined the dates and locations of the next two public hearings to be held on April 23, 2003 and May 5, 2003. We also discussed the submittals of the zone change of M-1 on approximately 27.63 acres and the proposed Land Use Amendment from Medium Density Residential to Mixed Commercial/Industrial.

We discussed the general location, surrounding infrastructure such as existing roads with their classifications and current and proposed utilities. We discussed the current location of the athletic facilities and surrounding road around the club to the west of the GDP boundary.

We discussed the proposed M-1 uses within the GDP with their accompanying bufferyard and lighting requirements. We also discussed potential roadway access points for this General Development Plan.

Ms. Clarke then introduced Mr. Jack Remick as the property owner for this General Development Plan. He explained that he is not planning to develop any of the potential lots within this GDP but that he would be very particular with respect to the site review and type of uses so that the final buildings will not detract from the athletic club to the west of the site.

The following questions and comments were reviewed by the attendee and recorded by Ms. Clarke. Responses to the questions have been drafted and follow each question/comment.

Questions and Answers:

Question #1 Will there be any bufferyards required on the east side of this site?

Answer #1 *Bufferyards are determined by the particular use that is developed. However, most of the property to the east of the GDP is zoned for a commercial use. Therefore, the bufferyards will most likely be minimal. The commercially zoned property to the east of this GDP will be required to provide increased bufferyards because of their proximity to residential uses and Valley High Drive.*

Question #2 Will there be increased traffic on 19th Street and Valley High Drive?

Answer #2 *Because we have no proposed uses at this time, it would be hard to estimate any increases in traffic flow or pattern. However, we are not showing an interior connection between 19th Street N.W. and Industrial Dr. N.W., which would have increased the cut-through traffic significantly. We do not anticipate a huge increase in traffic.*

Question #3 What type of lighting do you anticipate?

Answer #3 *Because we have no proposed uses at this time, it would be hard to estimate the need or restrictions on lighting within the various uses allowed in M-1. However, we will be very careful in reviewing the future buildings and uses because of the close proximity to our outdoor and indoor recreational uses directly to the west.*

There was some discussion about the review process for the property to the east of this GDP. Ms. Clarke provided the neighbor with copies of the bufferyard requirements and the lighting requirements from the City of Rochester. We spoke briefly about the history of this area and past potential uses for this site.



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Attendance Roll

NEIGHBORHOOD MEETING

PROJECT: Jack Remick – Re-zone from R-3 to M-1
Rochester, Minnesota
DATE: April 9, 2003
TIME: 6:30 p.m.
PLACE: Rochester Athletic Club – Conference Room
Rochester, Minnesota

NAME	ADDRESS	PHONE NO/ FAX NO/ E-MAIL ADDRESS
1. C WOLF WARNER	1823 25TH AVE NW	288-2823
2. Kristi Clarke	4910 Manor Brook N.W.	288-1799
3. John D. Remick, RAC		289-8067
4.		
5.		
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14.		

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4. Storm Water Management must be provided for this development. If participation in the City's Storm Water Management Plan (SWMP) is approved, a Storm Water Management fee will apply for the benefit of participation for those areas where on-site detention is not provided.
5. Outlot A shall be dedicated to the City as a mid-block pedestrian access. Additionally, the developer is obligated to construct the 10' wide bituminous pedestrian path within Outlot A, as well as concrete sidewalk along both sides the public roads being dedicated in the plat, concurrent with the development of this property. In addition, the owner is obligated to pay a contribution toward pedestrian facilities along the entire frontage of 55th Street.
6. This property is within the area designated for the Northwest Transportation Improvement District (NWTID), and will be subject to a TID area charge based on the gross acreage of the subdivision.
7. The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.
8. The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.
9. The applicant is responsible to construct a private roadway within Outlot B and must also extend utilities to serve the abutting exception parcel located north of Outlot B. An access easement shall be recorded over Outlot B for ingress/egress to the abutting parcel to the north (Krebsbach farmstead). The easement document must be recorded prior to recording the Final Plat and the Final Plat documents must be revised to identify the driveway easement and document number. The easement document shall be perpetual, establish a clear policy on how maintenance will be handled, establish the rights of usage, and define how use of the easement is limited or assignable. Public safety personnel and their vehicles shall be assigned the right of passage at all times.

* Land Use Plan Amendment Petition #03-01 and Zoning District Amendment #03-03 by Jack Remick to amend the Land Use Plan designation from "Medium Density Residential" to "Industrial" and the zoning from R-3 (Medium Density Residential) to the M-1 (Mixed Commercial-Industrial) district on approximately 27.63 acres of land. The property is platted as Lot 1, Block 1 and Lot 1, Block 2 Athletic Club Subdivision and is located along Industrial Drive NW, south of 19th Street NW and west of Valleyhigh Drive NW.

AND

Amendment to General Development Plan #113 known as Rochester Athletic Club by Jack Remick. The applicant is proposing to amend to approved GDP which identifies the property being developed with residential uses to being developed with commercial and industrial uses. The property is platted as Lot 1, Block 1 and Lot 1, Block 2 Athletic Club

Subdivision and is located along Industrial Drive NW, south of 19th Street NW and west of Valleyhigh Drive NW.

Mr. Brent Svenby presented the staff reports, dated April 15, 2003 (Zoning District Amendment), April 16, 2003 (Land Use Plan Amendment), and April 17, 2003 (General Development Plan), to the Commission. The staff reports are on file at the Rochester-Olmsted Planning Department.

Mr. Svenby referred to revised comments from Public Works received today. He asked that they be substituted for staff-recommended condition number 2 in the staff report and for the findings for criteria E (3) and F.

The applicant's representative, Ms. Kristi Clarke, of McGhie & Betts, Inc. (1648 Third Avenue SE, Rochester MN), addressed the Commission. She explained that there was one DM&E train a month. She stated that a neighborhood meeting was held on April 9, 2003 at which only one person attended. She explained that his questions were with regard to the bufferyard and lighting problems. She showed where the bufferyard would be required. She indicated that the applicant agreed with the staff-recommended conditions, as well as the new comments received by Public Works.

With no one else wishing to be heard, Mr. Quinn closed the public hearing.

Ms. Petersson moved to recommend approval of Land Use Plan Amendment Petition #03-01 Jack Remick with the staff-recommended findings. Mr. Haeussinger seconded the motion.

Ms. Rivas noted her working relationship with the Rochester Athletic Club.

The motion carried 8-0.

Ms. Petersson moved to recommend approval of Zoning District Amendment #03-03 by Jack Remick with the staff-recommended findings. Mr. Haeussinger seconded the motion. The motion carried 8-0.

Ms. Petersson moved to recommend approval of Amendment to General Development Plan #113 known as Rochester Athletic Club by Jack Remick with the staff-recommended findings and conditions (as revised by Mr. Svenby). Mr. Haeussinger seconded the motion. The motion carried 8-0.

CONDITIONS:

- 1. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, controlled access, pedestrian facilities, extension of utilities, and contributions for public infrastructure. Ownership & Maintenance of the wetlands shall be addressed in the Development Agreement.**
- 2. The Owner proposes to provide stormwater management for the Property by utilizing existing stormwater management facilities and new stormwater management facilities proposed to be constructed and maintained by the Owner on adjacent land owned by**

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the Owner. Erosion and sediment control that may result from the development of Lot 1, Block 2 will be managed with a temporary on-site sediment pond and associated erosion control strategies. The Owner proposes to manage post development runoff from Lot 1 Block 2 by directing all of the surface flow to a planned bioswale drainage way and private two-cell stormwater management pond to be built by July 1, 2005 on the Owner's adjacent land. Owner agrees to leave the temporary on-site sediment control pond in place until the permanent off-site private facilities are constructed. Owner agrees to pay a Storm Water Management fee only if the private off-site facilities are not constructed by July 1, 2005. Existing and proposed stormwater management facilities owned and maintained by Owner may need to be modified in the future to handle any increase in stormwater runoff attributable to the actual impervious area of the development parcels. Owner agrees to formalize these requirements by execution of a Development Agreement for the entire Property.

3. Access control shall be dedicated along the entire length of 19th Street NW when the property is re-platted except where the approved access location is shown. The northbound approach on the interior roadway to 19th St. NW should be designed with two approach lanes to provide a lane for right turn traffic and a lane for left turn traffic. There also should be an eastbound right turn lane on 19th street NW at the access point to 19th St. NW.
4. At the time of re-platting the applicant shall coordinate with the City Public Works Department to determine if additional right-of-way needs to be dedicated for 19th Street NW to accommodate turn lanes.
5. The Owner is obligated to provide pedestrian facilities along both frontages of the Property abutting Industrial Dr NW/Opportunity Rd NW. The Owner may request through the Development Agreement to execute a Pedestrian Facilities Agreement to address its obligations, in lieu of constructing the required facilities concurrent with development of the Property.
6. At the time of re-platting of the property or development of this site, the replacement plan approved in 1992 for this property shall be reviewed and resubmitted for approval.

Text Amendment #03-03 initiated by the City Planning and Zoning Commission, to amend Section 60.506 of the Rochester Zoning Ordinance and Land Development Manual. The amendment addresses permit approval and current zoning or related violations.

Mr. John Harford presented the staff report, dated April 16, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Harford explained that he received comments from the City Attorney asking for some slight changes. He indicated that he agreed with the changes, except for changing a word to "pending."

Mr. Harford stated that Public Works indicated that they did not have any concerns regarding the recommendation regarding development agreements.

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5-19-03

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AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-3
ITEM DESCRIPTION: Zoning District Amendment #03-03 by Jack Remick to change the zoning from R-3 (Medium Density Residential) to the M-1 (Mixed Commercial-Industrial) district on approximately 27.63 acres of land. The property is platted as Lot 1, Block 1 and Lot 1, Block 2 Athletic Club Subdivision and is located along Industrial Drive NW, south of 19 th Street NW and west of Valleyhigh Drive NW.		PREPARED BY: Brent Svenby, Planner
May 14, 2003 <u>NOTE: See CPZC minutes from previous LUPA hearing.</u>		
<u>City Planning and Zoning Commission Recommendation:</u> The City Planning and Zoning Commission held a public hearing on April 23, 2003 to consider this zone change. The Commission also reviewed a Land Use Plan Amendment and GDP for the property. The Commission reviewed the zone change request based on the criteria as included in the staff report and recommended Approval, with staff suggested findings. Motion by Ms. Petersson, seconded by Mr. Haeussinger to recommend approval of Zoning District Amendment #03-03, with staff-recommended findings. Motion carried 8-0.		
<u>Planning Staff Recommendation:</u> See attached staff report dated April 15, 2003.		
<u>Council Action Needed:</u> <i>The Council should direct the City Attorney to prepare findings of fact reflecting the Councils decision on this zone change.</i> <i>If the Council approves this zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning for the property</i>		
<u>Attachments:</u> 1. Staff Report dated April 15, 2003 2. Minutes of the April 23, 2003 CPZC Meeting (attached to LUPA RCA)		
<u>Distribution:</u> 1. City Clerk 1. City Administrator 2. City Attorney: Legal Description attached to LUPA 3. Planning Department File 4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, May 19, 2003 in the Council/Board Chambers at the Government Center, 151 4th Street SE. 6. McGhie & Betts, Inc.		
COUNCIL ACTION: Motion By: _____ Seconded By: _____ Action: _____		

011

OLOGY DR NW

CO RI

31 AVE NW

BRITANNY DR NW

25 ST NW

29 AVE NW

25 ST NW

24 ST NW

28 AVE NW

27 AVE NW

25 AVE NW

25 ST NW

26 ST NW

24 AVE NW

24 ST NW

23 ST NW

22 ST NW

21 ST NW

20 ST NW

20 AVE NW

20 AVE NW

26 AVE NW

26 ST NW

9 ST NW

22 ST NW

22 ST NW

32 AVE NW

ZC #03-03 GDP #113 LUPA #03-01

Jack Remick

600' Notification Distance

Ward 3 McConnell

04/08/03

DAKOTA, MINNESOTA & EASTERN RR

INDUSTRIAL DR NW

SCHUSTER LN NW

VALLEY HIGH DR NW

21 AVE NW

25 AVE NW

25 AVE NW

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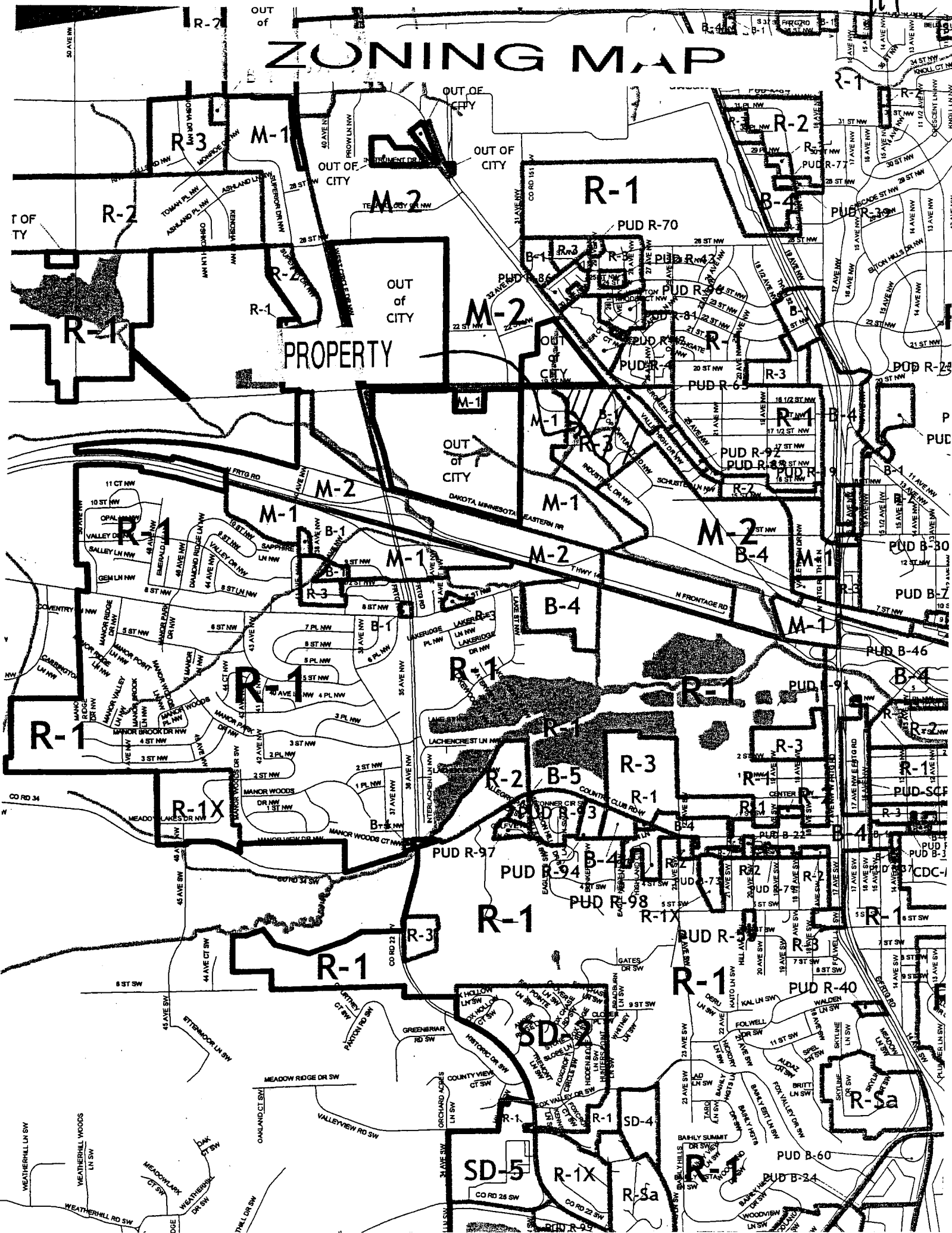
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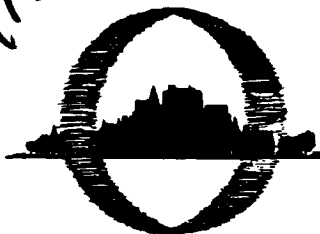
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ZONING MAP



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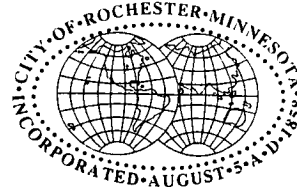


ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted



TO: City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE: April 15, 2003

RE: Zoning District Amendment #03-03 by Jack Remick to change the zoning designation from R-3 (Medium Density Residential) to the M-1 (Mixed Commercial-Industrial) district on approximately 27.63 acres of land. The property is platted as Lot 1, Block 1 and Lot 1, Block 2 Athletic Club Subdivision and is located along Industrial Drive NW, south of 19th Street NW and west of Valleyhigh Drive NW.

Planning Department Review:

Property Owner/Petitioner: Jack Remick
3100 19th Street NW
Rochester, MN 55901

Consultant: McGhie & Betts, Inc.
1648 Third Avenue SE
Rochester, MN 55904

Location of Property: The property is located along the south side of 19th Street NW and west of Valleyhigh Drive NW.

Requested Action: The applicant is requesting to rezone approximately 27.63 acres of land from the R-3 (Medium Density Residential) to the M-1 (Mixed Commercial-Industrial) district. In 1999 the property was rezoned from the M-1 district to the R-3 zoning district.

Existing Land Use: The property is currently undeveloped.

Proposed Land Use: The applicant has also filed a Land Use Plan amendment and an amended General Development Plan that are being considered concurrent with this application. The proposed GDP identifies the property eventually being developed with commercial and industrial uses. The approved GDP identifies the property being developed with medium density residential uses.

Adjacent Land Use and Zoning:

East: The property to the east is zoned B-1 (Restricted Commercial) and is designated for "Commercial" uses. A spur line for DM&E Railroad is also located along the east property line of the site.

South: The property to the south is the Fred Schuster Industrial Park. It is zoned M-2 (Industrial) and designated for "Industrial" uses on the Land Use Plan



113

Map.

North: The property to the north is a farm that is zoned A-4 (Agricultural Urban Expansion) on the Olmsted County Zoning Map. It is designated as "Industrial" on the Rochester Urban Service Area Land Use Plan.

West: The property to the west of the site is the location of the Rochester Athletic Club. It is zoned M-1. There is also an area that is zoned R-3 that is undeveloped.

Transportation Access:

This site has frontage along 19th Street NW and Industrial Drive NW. 19th Street NW is designated as an arterial street on the Thoroughfare Plan Map. It is in close proximity to Valleyhigh Drive NW, a collector/arterial and West Circle Drive.

Wetlands:

A wetland delineation was completed in 1992 and therefore will have to be reviewed and resubmitted to the LGU for approval.

Neighborhood Meeting:

A neighborhood meeting was held on April 9, 2003. A summary of the meeting is attached.

Referral Comments:

See GDP attachments

Report Attachments:

1. Location Map
2. Area Zoning Map
3. Neighborhood Meeting Summary – see land use plan amendment report

Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:
 - a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
 - b) The area was originally zoned erroneously due to a technical or administrative error;
 - c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or
 - d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

The Rochester Urban Service Area Land Use Plan designates this property as appropriate for "medium density residential" types of uses. A Land Use Plan amendment is being considered concurrent with this application. If the Land Use Plan amendment from "medium density residential" to "industrial" is approved, rezoning 27.63 acres of land to M-1 (Mixed Commercial - Industrial) would be consistent with the "industrial" land use designation. Prior to 1999 the property was zoned M-1 however the property owner petitioned to amend the zoning to the R-3 zoning district to develop the property with medium density residential units. That development plan is no longer being considered by the applicant.

The Land Use Plan refers to "industrial" designation as an area intended primarily for manufacturing, transportation related facilities, communication related facilities, privately owned utilities, warehousing and outside storage of materials and equipment and uses of similar character. Industrial uses are characterized by relatively high levels of truck traffic and noise.

- 2) *The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:*

- a) *the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and*

Uses within the M-1 Zoning District would be appropriate on the property and compatible with adjacent properties, the properties to the south, west and east are all used for industrial or commercial uses. The property to the north, across 19th Street NW, is designated for industrial types of use on the Land Use Plan Map. At this time the property is not located in the City of Rochester but it is anticipated that when the property is developed it will be with industrial or commercial uses. According to the City of Rochester Zoning Ordinance, the M-1 zoning district provides an area for a mixture of commercial uses and industrial uses which do not generate significant adverse impacts.

- b) *the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).*

The amendment to M-1 would be consistent with the Rochester Urban Service Area Land Use Plan, if the Land Use Plan Amendment which is being considered concurrently is approved, and would not be considered spot zoning.

Staff Recommendation:

The Planning Commission must make a motion to recommend approval or denial of this request. The Planning Commission must also make findings to support this recommendation. This recommendation will be forwarded to the City Council and heard at a later public hearing.

The ability to consider the Zone Change and the amendment General Development Plan concurrently allows the City to consider this development proposal as a package. Based upon the accompanying General Development Plan amendment for this site and the findings above, Staff recommends approval to rezone approximately 27.63 acres from the R-3 (Medium Density Residential) to the M-1 (Mixed Commercial – Industrial) zoning district.

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5-19-03

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AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-4
ITEM DESCRIPTION: Amendment to General Development Plan #113 known as Rochester Athletic Club by Jack Remick. The applicant is proposing to amend the approved GDP which identifies the property being developed with residential uses to being developed with commercial and industrial uses. The property is platted as Lot 1, Block 1 and Lot 1, Block 2 Athletic Club Subdivision and is located along Industrial Drive NW, south of 19 th Street NW and west of Valleyhigh Drive NW.		PREPARED BY: Brent Svenby, Planner

May 14, 2003

*NOTE: See CPZC minutes from previous LUPA hearing.***City Planning and Zoning Commission Recommendation:**

On April 23, 2003 the City Planning and Zoning Commission reviewed this General Development Plan. The Commission also reviewed a Land Use Plan Amendment and zone change for the property

Ms. Kristi Clarke, of McGhie & Betts, Inc., addressed the Commission and explained the applications submitted by the applicant and the zoning history of the property.

The Commission reviewed this proposal according to the criteria listed in Paragraph 61.215 of the Zoning Ordinance and Land Development Manual.

Ms. Petersson made a motion to recommend approval of Amendment to General Development Plan #113 known as Rochester Athletic Club by Jack Remick with the staff-recommended findings and conditions. Mr. Haeussinger seconded the motion. The motion carried 8-0.

Planning Staff Recommendation:

See attached staff report dated March 6, 2003.

Council Action Needed:

1. The Council may approve, approve with conditions, or deny the general development plan. The Council must make findings based on the criteria listed in Paragraph 61.215.
2. If the Council wishes to proceed with the general development plan as proposed, it should instruct the City Attorney to prepare a resolution for Council approval.

Attachments:

1. Staff Report dated April 17, 2003
2. Minutes of the April 23, 2003 CPZC Meeting (attached to the LUPA RCA)

Distribution:

1. City Administrator
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered some time after 7:00 p.m. on Monday, May 19, 2003 in the Council/Board Chambers in the Government Center at 151 4th Street SE.
5. McGhie & Betts, Inc.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

LOGY DR NW

31 AVE NW

Jack Remick

600' Notification Distance

04/08/03

DAKOTA, MINNESOTA & EASTERN RR

THWY 14

Rochester
Athletic Club

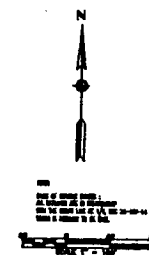
15TH STREET CROSSING
HARBOR SETBACKS EXISTENCE
APPROVED WITH PREVIOUS GDP

AREA TO RE-ZONE M-1
INTENSITY, DENSITY AND USES TO BE
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IN THE ZONING ORDINANCE

WETLAND

AREA TO RE-ZONE M-1
INTENSITY, DENSITY AND USES TO BE
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IN THE ZONING ORDINANCE

BOUNDARY OF GDP



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15TH STREET CROSSING
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GENERAL DEVELOPMENT PLAN
ATHLETIC CLUB SUBDIVISION

ROCHESTER

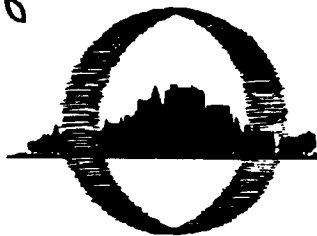
MINNESOTA

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ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



COUNTY OF
Olmsted



TO: City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE: April 17, 2003

RE: Amendment to General Development Plan #113 known as Rochester Athletic Club.

Planning Department Review:

Applicant/Owner:

Jack Remick
3100 19th Street NW
Rochester, MN 55901

Designers:

McGhie & Betts
1648 3rd Ave. SE
Rochester, MN 55904

Size and Location:

The amendment area includes approximately 27.63 acres of the total site of the Rochester Athletic Club GDP. The site is located just south of 19th Street NW, west of the DM&E Railroad tracks.

Existing Land Use:

The property is currently vacant.

Proposed Use:

The proposed GDP amendment encompasses approximately 27.63 acres of land. The GDP identifies that uses permitted in the M-1 zoning district will be allowed on the property.

Land Use Plan:

This property is identified for "Medium Density Residential" uses on the Rochester Urban Service Area Land Use Plan Map. The applicant has filed a petition to change the land use designation from "Medium Density Residential" to "Industrial" on this site. In the 1999 the applicant amended the Land Use Plan Map to amend the designation from "Industrial" to "Medium Density Residential" to facilitate a medium density residential development. The proposed development never occurred.

Zoning:

The property is zoned R-3 (Medium Density Residential) district on the City of Rochester Zoning Map. The applicant has filed a petition to amend the zoning district from R-3 district to the M-1 (Mixed Commercial-Industrial) district on this site.

Roadways:

No new public roadways are shown on the GDP.

BUILDING CODE 507/285-8213 • GIS/ADDRESSING/MAPPING 507/285-8232 • HOUSING/HRA 507/285-8224

PLANNING/ZONING 507/285-8232 • WELL/SEPTIC 507/285-8345

FAX 507/287-2275



AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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Since there is no public roadways identified it is assumed that the development will be served by private roadways. If in the future a public roadway is proposed on the property the GDP will need to be amended. Any public roadway will need to extend completely through the property from 19th Street NW to Industrial Drive NW/Opportunity Drive NW.

Projected traffic for the site ranges from 1500 ADT (if it is a pure industrial park with no business/retail/office) to 3500 ADT if it ends up more of a Business Park with a mix of industrial and other uses. Current traffic on 19th St. NW is estimated at about 5500 ADT and the projected 20 year traffic is 13500 ADT.

Drainage:

The property generally drains to the drainage channel located in the central portion of the site. This channel flows to a detention pond located to the west of the site.

Detailed grading and drainage plans will be required when the property is developed/re-platted.

Wetlands:

Minnesota Statutes now require that all developments be reviewed for the presence of wetlands or hydric soils. The National Wetland Indicator Map was reviewed for this area and identifies the possible presence of wetlands throughout the property. A wetland delineation and replacement plan was completed for the property in 1992. The replacement plan and the site will need to be reviewed to determine if any of the claimed excess replacement area was completed as originally proposed in the replacement plan. Prior to approval of any re-plats or grading activities within this area, the replacement plan will need to be verified.

Public Utilities:

An 8" sanitary sewer line is located in Industrial Drive to serve this property. An 8" stub from the 12" watermain in 19th Street NW and an 8" watermain located in Industrial Drive can be extended to serve this property.

The property is within the Main Level Water System Area and static water pressure within the area will range from 55 to 65 PSI. The applicant will need to coordinate with RPU Water Division to develop the necessary water system layout to serve the area.

RPU Electric will provide electric power to this property.

Referral Comments:

1. Rochester Public Works
2. RPU Operations Division
3. RPU Water Division
4. Planning Dept. – Wetlands
5. Planning Dept. - Addressing
6. Fire Dept.
7. MnDOT

Report Attachments:

1. Referral Comments (5 letters)
2. Location Map
3. Proposed General Development Plan Narrative
4. Reduced Copy of GDP Map

Staff Recommendation:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the criteria for approval of a general development plan as follows:

- Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

A Land Use Plan amendment and Zoning District amendment are being considered concurrent with this GDP. If the amendments are approved, the land uses within the M-1 zoning district would be consistent with the land use designation for the property.

- Criteria B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.

The proposed development of the property with industrial and commercial uses would be compatible with the existing and permissible future uses of the adjacent properties. Lot sizes and circulation will need to be reviewed in more detail at the time the property is re-platted and/or site development plans are submitted for review.

- Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

Not applicable to industrial/commercial development.

- Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

No roadway improvements are scheduled in the City's current 6-year Capital Improvement Program along this portion of 19th Street NW.

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Access to the property is from 19th Street NE which is designated an arterial roadway on the ROCOG Thoroughfare Plan. Access is also provided from Industrial Drive NW. Both of these access points will be considered to be served by with private roadways since no public roadways are identified on the GDP. The northbound approach on the interior roadway to 19th St. NW should be designed with two approach lanes to provide a lane for right turn traffic and a lane for left turn traffic. There also should be an eastbound right turn lane on 19th street NW at the access point to 19th St. NW.

Depending on the type of development that occurs on the property and the future development that occurs on the property to the north, additional right-of-way maybe needed to accommodate turn lanes. The access location shown to 19th Street NW needs to align with the existing driveway on the north side of 19th Street NW.

Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.

1. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

Access to the property is from 19th Street NE which is designated an arterial roadway on the ROCOG Thoroughfare Plan. Access is also provided from Industrial Drive NW. Both of these access points will be considered to be served by with private roadways since no public roadways are identified on the GDP. The northbound approach on the interior roadway to 19th St. NW should be designed with two approach lanes to provide a lane for right turn traffic and a lane for left turn traffic. There also should be an eastbound right turn lane on 19th street NW at the access point to 19th St. NW.

Depending on the type of development that occurs on the property and the future development that occurs on the property to the north, additional right-of-way maybe needed to accommodate turn lanes. The access location shown to 19th Street NW needs to align with the existing driveway on the north side of 19th Street NW.

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will

occur and no further development permit will be issued until concurrency has been evidenced.

Sanitary sewer and water mains can be extended to serve the property. An 8" gravity flow public sanitary sewer is available in Industrial Drive NW to serve the southerly half of the development. The northerly half of the property can be served by extending the existing sanitary sewer main located at the west property line of the Rochester Athletic Club to the site. The property is within the Main Level Water System Area and static water pressure within the area will range from 55 to 65 PSI. The applicant will need to coordinate with RPU Water Division to develop the necessary water system layout to serve the area.

3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

The Owner proposes to provide stormwater management for the Property by utilizing existing stormwater management facilities and new stormwater management facilities proposed to be constructed and maintained by the Owner on adjacent land owned by the Owner. Erosion and sediment control that may result from the development of Lot 1, Block 2 will be managed with a temporary on-site sediment pond and associated erosion control strategies. The Owner proposes to manage post development runoff from Lot 1 Block 2 by directing all of the surface flow to a planned bioswale drainage way and private two-cell stormwater management pond to be built by July 1, 2005 on the Owner's adjacent land. Owner agrees to leave the temporary on-site sediment control pond in place until the permanent off-site private facilities are constructed. Owner agrees to pay a Storm Water Management fee only if the private off-site facilities are not constructed by July 1, 2005. Existing and proposed stormwater management facilities owned and maintained by Owner may need to be modified in the future to handle any increase in stormwater runoff attributable to the actual impervious area of the development parcels. Owner agrees to formalize these requirements by execution of a Development Agreement for the entire Property.

The Owner is obligated to provide pedestrian facilities along both frontages of the Property abutting Industrial Dr NW / Opportunity Rd NW. The Owner may request through the Development Agreement to execute a Pedestrian Facilities Agreement to address its obligations, in lieu of constructing the required facilities concurrent with development of the Property.

- Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

The Owner proposes to provide stormwater management for the Property by utilizing existing stormwater management facilities and new stormwater

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management facilities proposed to be constructed and maintained by the Owner on adjacent land owned by the Owner. Erosion and sediment control that may result from the development of Lot 1, Block 2 will be managed with a temporary on-site sediment pond and associated erosion control strategies. The Owner proposes to manage post development runoff from Lot 1 Block 2 by directing all of the surface flow to a planned bioswale drainage way and private two-cell stormwater management pond to be built by July 1, 2005 on the Owner's adjacent land. Owner agrees to leave the temporary on-site sediment control pond in place until the permanent off-site private facilities are constructed. Owner agrees to pay a Storm Water Management fee only if the private off-site facilities are not constructed by July 1, 2005. Existing and proposed stormwater management facilities owned and maintained by Owner may need to be modified in the future to handle any increase in stormwater runoff attributable to the actual impervious area of the development parcels. Owner agrees to formalize these requirements by execution of a Development Agreement for the entire Property.

The applicant intends to use the existing drainage ways and the detention pond located to the west to collect the on-site drainage. The applicant will need to work with the LGU and City Public Works Department regarding the stormwater management for the property.

- Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

The lot, block and street layout appear to be consistent with the provisions of 64.100. Further review of the lot, block and street layout and the performance standards of the Zoning Ordinance and Land Development Manual will occur at the time the property is re-platted and a site development plans are submitted for approval.

Summary & Recommendation:

The applicant has filed petitions to amend the Rochester Urban Service Area Land Use Plan to designate the property for "industrial" uses and to rezone it to the M-1 zoning district. If the CPZC and Council approve the Land Use Plan Amendment and rezoning, staff would recommend approval of the GDP with the following conditions or modifications:

- 1. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, controlled access, pedestrian facilities, extension of utilities, and contributions for public infrastructure. Ownership & Maintenance of the wetlands shall be addressed in the Development Agreement.**
- 2. The Owner proposes to provide stormwater management for the Property by utilizing existing stormwater management facilities and new stormwater management facilities proposed to be constructed and maintained by the Owner on adjacent land owned by the Owner. Erosion and sediment control that may result from the development of Lot 1, Block 2 will be managed with a temporary on-site sediment pond and associated erosion control strategies. The Owner proposes to manage post development runoff from Lot 1 Block 2 by directing all of the surface flow to a planned bioswale drainage**

way and private two-cell stormwater management pond to be built by July 1, 2005 on the Owner's adjacent land. Owner agrees to leave the temporary on-site sediment control pond in place until the permanent off-site private facilities are constructed. Owner agrees to pay a Storm Water Management fee only if the private off-site facilities are not constructed by July 1, 2005. Existing and proposed stormwater management facilities owned and maintained by Owner may need to be modified in the future to handle any increase in stormwater runoff attributable to the actual impervious area of the development parcels. Owner agrees to formalize these requirements by execution of a Development Agreement for the entire Property.

- 3. Access control shall be dedicated along the entire length of 19th Street NW when the property is re-platted except where the approved access location is shown. The northbound approach on the interior roadway to 19th St. NW should be designed with two approach lanes to provide a lane for right turn traffic and a lane for left turn traffic. There also should be an eastbound right turn lane on 19th street NW at the access point to 19th St. NW.*
- 4. At the time of re-platting the applicant shall coordinate with the City Public Works Department to determine if additional right-of-way needs to be dedicated for 19th Street NW to accommodate turn lanes.*
- 5. The Owner is obligated to provide pedestrian facilities along both frontages of the Property abutting Industrial Dr NW/Opportunity Rd NW. The Owner may request through the Development Agreement to execute a Pedestrian Facilities Agreement to address its obligations, in lieu of constructing the required facilities concurrent with development of the Property.*
- 6. At the time of re-platting of the property or development of this site, the replacement plan approved in 1992 for this property shall be reviewed and resubmitted for approval.*

ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

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DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 4/11/03

The Department of Public Works has reviewed the application for an **AMENDMENT** to General Development Plan #113, for the Athletic Club Subdivision property. The following are Public Works comments on this request:

1. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, transportation improvements, controlled access, pedestrian facilities, extension of utilities, and contributions for public infrastructure.
2. An Interim Grading Plan has been approved for this Property. Individual Lot development will require Grading Plan approval, and approval of a Site Development Plan.
3. On-site stormwater detention facilities are required for the entire Property, to address at a minimum stormwater quality. A Storm Water Management fee will apply to any areas of this property that are not served by privately constructed on-site stormwater detention facilities that regulate post development run-off from this site to pre-development rates, in addition to addressing the water quality component of Storm Water Management. Execution of an Ownership & Maintenance Declaration will be required for any privately constructed storm water facilities that serve less than 50 developable acres.
4. Dedication of Controlled Access will be required along the entire frontage of 19th St NW, with the exception of a single access as approved on the existing GDP.
5. In addition to the existing pedestrian facilities along the frontage of 19th St NW, the Owner is obligated to provide pedestrian facilities along both frontages of the Property abutting Industrial Dr NW / Opportunity Rd NW. The Owner may request through the Development Agreement to execute a Pedestrian Facilities Agreement to address its obligations, in lieu of constructing the required facilities concurrent with development of the Property.
6. Ownership & Maintenance of the wetlands shall be addressed in the Development Agreement.
7. A City-Owner Contract has been prepared for the construction of Athletic Dr NW & utilities, connecting to Opportunity Rd NW. Execution of the Contract is required prior to construction of public infrastructure.

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

8. The GDP Plan show a 50 foot ROW running parallel with the southeast line of the Property. In discussions with the Owner's consulting Engineer, Public Works has been informed that this 50 foot ROW was proposed on an old plan, and should have been removed prior to this submittal.
9. The application documents suggest that the Property is divided by the existing wetlands. The land south of the wetlands shall be accessed by private streets or driveways from Industrial Dr NW / Opportunity Rd NW, while land north of the wetlands shall be accessed by a private road / driveway off of 19th St NW. The City opposes the construction of public street cul-de-sacs to serve this Property. Any public street must be extended completely through the Property from 19th St NW to Industrial Dr NW / Opportunity Rd NW.

Charges/fees applicable to the development of this property will be addressed in the Development Agreement

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WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: The GDP #113, RAC

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☒ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☒ Other or Explanation:

A wetland delineation was completed in 1992 and therefore will have to be reviewed and resubmitted to this office for approval. The applicant planned to avoid impacts to the easterly tributary according to the application #92-2.

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The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: April 8, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: Amendment to GDP 113 known as Rochester Athletic Club by Jack Remick. The applicant is proposing to amend to approved GDP which identifies the property being developed with residential used to being developed with commercial and industrial uses.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.

c: Donn Richardson, RPU, Water Division
Jack Remick – 3100 NW 19 Street – Rochester, MN 55901
McGhie & Betts, Inc – 1648 Third Ave SE – Rochester, MN 55904



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April 11, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Amendment to General Development Plan #113 by Jack Remick known as Rochester Athletic Club.

Dear Ms. Garness:

Our review of the referenced general development plan is complete and our comments follow:

1. This property is within the Main Level Water System Area.
2. Static water pressures within this area will range from 55 to 65 PSI.
3. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Gale Mount, Building & Safety
McGhie & Betts, Inc.
Jack Remick

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Amended General Development Plan March 2003

1.0 Introduction

The GDP for the Athletic Club facility was approved by the city of Rochester on October 5, 1992. The approved GDP indicated the future use for this site as commercial/industrial or medium density residential.

Although there was no specific plan for development on this portion of the GDP, wetlands were identified and delineated and the area was platted as large lots; and access to the surrounding road system was identified.

The private access roadway from Industrial Drive NW to the Athletic Club was constructed to provide a secondary access to the facility until West Circle Drive was completed and 19th Street NW was reconstructed. This private access was closed several years later due to excessive cut-thru traffic.

The site was zoned to M-1 (Mixed Commercial-Industrial) and final platted in 1992.

In 1999, the site was rezoned from M-1 to R-3, with a Land Use Amendment from Industrial to Medium Density Residential and a GDP was submitted and approved.

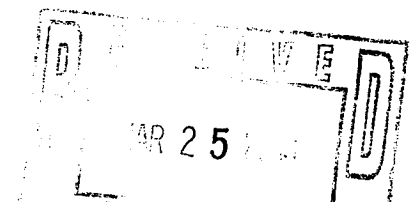
We are now proposing to rezone from R-3 back to the original mixed commercial-industrial uses with a combined submittal of Rezone R-3 to M-1, Land-Use Amendment from Medium Density to Industrial and an Amended General Development Plan.

CRITERIA FOR APPROVAL OF GDP- SECTION 61.215

In approving a General Development Plan, the Commission and Council will review the plan for compliance with the criteria for approval listed in Section 61.215 which became effective May 15, 1999. The seven (7) criteria are listed below and are followed by our responses as to compliance:

Criteria A:

1) The proposed land uses are generally in accord with the adopted Comprehensive Plan and Zoning Map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.



The proposed uses of mixed commercial-industrial will be consistent with the Zoning Map and Comprehensive Plan with the approval of the M-1 zone change and the Land Use Plan amendment.

2) The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.

The property to the north is designated as "industrial" on the Rochester Urban Service Area Land Use Plan Map. To the south, is the existing M-2 Schuster Industrial Park, the property. To the east, is zoned R-3 including a spur of the DM&E railroad, to the west is the Rochester Athletic Club zoned M-1 designated for "industrial" uses. The proposed mixed commercial-industrial will be compatible with the adjacent industrial and medium-density lots.

3) The mix of housing is consistent with adopted Land Use and Housing Plans.

The proposed use of mixed commercial-industrial uses will not contain any housing.

4) The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

No planned capital improvements are proposed on surrounding streets or utilities and none are required for this development.

5) On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.

a) *The proposed public facilities are adequate to serve the property under consideration. Access for the property north of the wetland replacement boundary will come from 19th Street N.W. at an approved access point approximately 400' feet from the spur of the DM&E Railroad shown on the GDP. Access for the property south of the wetland replacement boundary will come from Industrial Drive N.W.*

b) *An (8") gravity flow public sanitary sewer is available in Industrial Drive NW. This sewer will be able to serve the southern half of the GDP area. The northern half of the property will be served by extending the existing sanitary*

sewer main located at the west property line of the Rochester Athletic Club to the site.

c) *The existing water supply facilities in the area include an 8" stub from the 12" main in 19th Street NW. An 8" watermain is located at the north end of Industrial Drive NW. These mains will be extended through the project and interconnected upon completion of the development.*

6) The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

This site is characterized by flat to mildly rolling terrain, with slopes not exceeding 11% and is outside of the 100-year floodplain boundaries of Cascade Creek. There are no unusual problems with erosion, drainage, or construction associated with this project. The site/grading/utility plan will specifically identify the necessary improvements. The construction plans will detail the temporary erosion control measures that will be taken to prevent erosion during construction.

The existing drainageways and detention pond located just west of this GDP will be utilized to collect the on-site drainage. Storm sewer pipe and collection system will be constructed on-site to direct drains to the drainageways and ponds. An additional area will be reserved for future detention if it becomes necessary to provide more on-site detention. A sedimentation basin will also be constructed on-site for the new construction.

7) The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

This site will be platted and the lot, block and street pattern will be consistent with the subdivision design principals of Article 64.100 of the Code.

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REQUEST FOR COUNCIL ACTION

MEETING
DATE: 5-19-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. <i>E-5</i>
ITEM DESCRIPTION: <u>Land Subdivision Permit</u> (Preliminary Plat) #03-12 to be known as Wedgewood Hills Seventh by Leslie A. Lurken. The Applicant is proposing to subdivide approximately 13.63 acres of land into 49 lots for single family development and one Outlot. The Plat also proposes to dedicate new public roadways. The applicant is also requesting approval of a <u>Substantial Land Alteration</u> to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located south of 55 th Street NW and allows for the continuation of 51 st St. NW and Duvall St. NW.		PREPARED BY: Mitzi A. Baker, Senior Planner

March 31, 2003

This Plat was Revised to identify Outlot B east of 55th Ave. NW, which will be constructed with a private road to facilitate future development/re-development of the farmstead parcel to the east. Based on the Revised Plat, staff recommends modifications to conditions, which are identified as underlined or strikethrough text.

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on April 23, 2003 to consider this preliminary plat and Substantial Land Alteration. Burke moved to recommend approval of Land Subdivision Permit #03-12 to be known as Wedgewood Hills Seventh, and the Substantial Land Alteration, with staff-recommended conditions and findings. Staver seconded, the motion carried 7-0.

1. *The Plat shall be revised to identify Access Control along the entire frontage of 55th St. NW except at the public road opening and also along both sides of 55th Ave. NW within 35 feet of the southerly right-of-way of 55th St. NW.*
2. *The Final Plat application and construction plans shall include traffic calming at the intersection of 51st ST. NW and 55th Ave. NW.*
3. *Parkland dedication for this plat shall be met via a reduction of dedication credits that resulted from previous land dedication, as specified in the April 1, 2003 memorandum from Rochester Public Works.*
4. *Storm Water Management must be provided for this development. ~~If participation in the City's Storm Water Management Plan (SWMP) is approved, a Storm Water Management fee will apply for the benefit of participation for those areas where on-site detention is not provided.~~ The Owner shall participate in the City's Storm Water Management Plan in lieu of providing on-site detention.*
5. *Outlot A shall be dedicated to the City as a mid-block pedestrian access. Additionally, the developer is obligated to construct the 10' wide bituminous pedestrian path within Outlot A, as well as concrete sidewalk along both sides the public roads being dedicated in the plat, concurrent with the development of this property. In addition, the owner is obligated to pay a contribution toward pedestrian facilities along the entire frontage of 55th Street.*
6. *This property is within the area designated for the Northwest Transportation Improvement District (NWTID), and will be subject to a TID area charge based on the gross acreage of the subdivision.*

Continued on next page

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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7. *The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.*
8. *The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.*
9. *The applicant is responsible to construct a private roadway within Outlot B and must also extend utilities to serve the abutting exception parcel located north of Outlot B. An access easement shall be recorded over Outlot B for ingress/egress to the abutting parcel to the north (Krebsbach farmstead). The easement document must be recorded prior to recording the Final Plat and the Final Plat documents must be revised to identify the driveway easement and document number. The easement document shall be perpetual, establish a clear policy on how maintenance will be handled, establish the rights of usage, and define how use of the easement is limited or assignable. Public safety personnel and their vehicles shall be assigned the right of passage at all times.*
10. *Execution of a Maintenance & Ownership Agreement is required for Outlot "B" prior to recording the Final Plat.*
11. *The Proposed location of Outlot "B", intended as a private access to the abutting property, will limit development of the abutting property to no more than four (4) residential units since the access will not meet spacing requirements for an access roadway (which serves more than 4 units).*
12. *Upon request by the City, the Owner shall dedicate an easement for public infrastructure over the areas that will be platted as 51st St. NW, within Wedgewood Hills 7th Subdivision.*
13. *Roadway names must be modified as stated in the May 12, 2003 memo from the Planning Department GIS/Addressing staff.*

***NOTE: ANNEXATION OF THIS PROPERTY IS BEING PROCESSED CONCURRENT WITH THIS APPLICATION. NO ACTIVITIES REQUIRING CITY APPROVAL (i.e. grading, substantial land alteration, utility work, etc.) MAY OCCUR ON THIS PROPERTY UNTIL ANNEXATION IS COMPLETE AND APPROVED BY THE STATE.

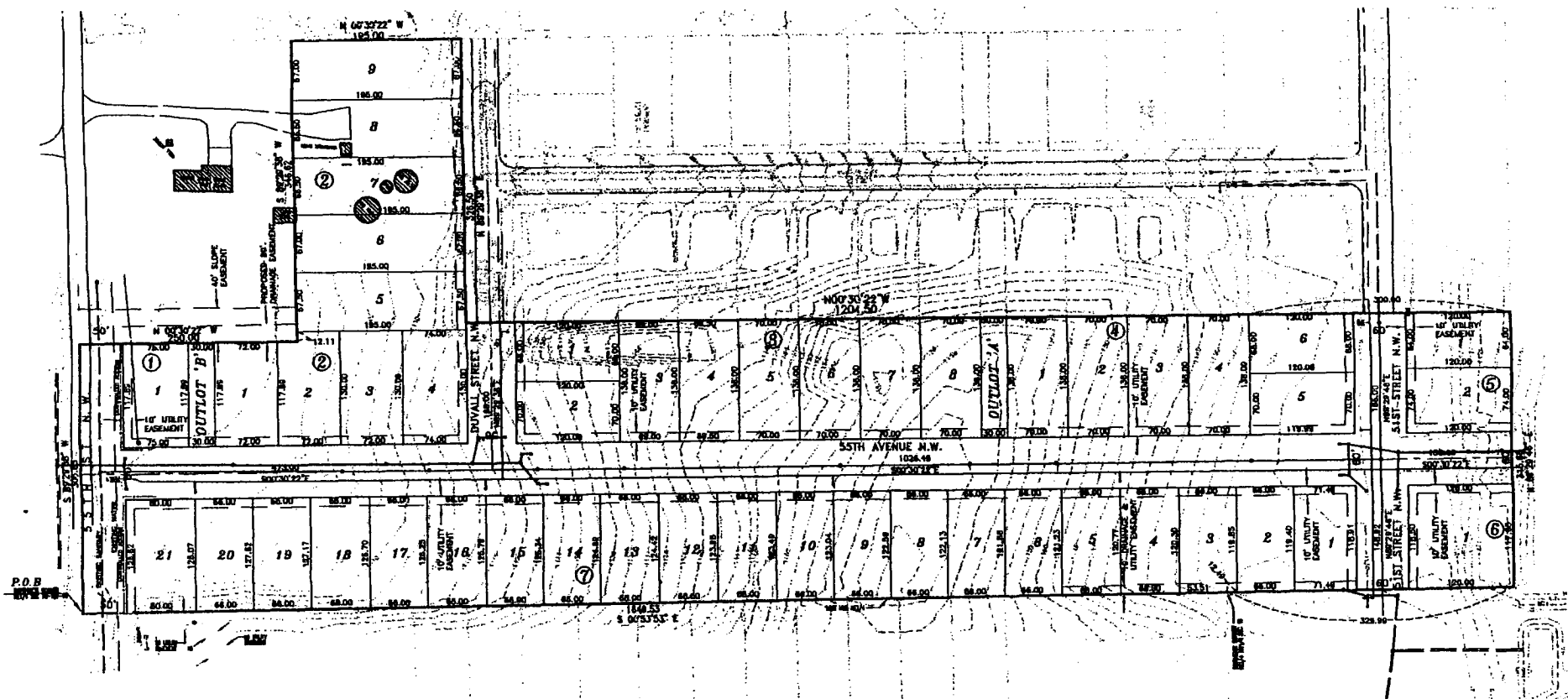
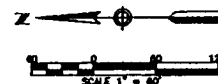
Council Action Needed:

1. *The Council may approve, approve with conditions, or deny the Land Subdivision Permit, and Substantial Land Alteration. The Council must make findings of fact as a basis for the decision.*
-

Distribution:

1. City Administrator
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday May 19, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
5. McGhie & Betts, Inc.

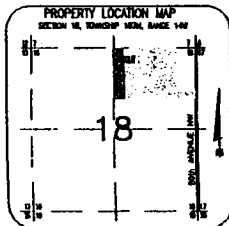
WEDGEWOOD HILLS SEVENTH



That part of the Northeast Quarter of Section 18, Township 107 North, Range 14 West, Ottertail County, Minnesota, described as follows:

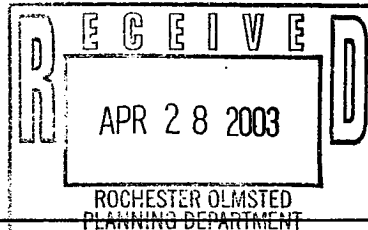
Beginning at the southeast corner of said Section 18; thence South 00 degrees 53 minutes 53 seconds East, measured bearing, along the west line thereof, 1549.53 feet; thence North 88 degrees 28 minutes 54 seconds East, 315.88 feet to the southeast corner of WEDGEWOOD HILLS FIFTH; thence North 00 degrees 30 minutes 22 seconds West, along the west line of said WEDGEWOOD HILLS FIFTH and the west line of WEDGEWOOD HILLS SIXTH, 1204.50 feet; thence North 88 degrees 28 minutes 58 seconds East, along the north line of said WEDGEWOOD HILLS SIXTH, 328.50 feet to the west line of WEDGEWOOD HILLS SEVENTH; thence North 00 degrees 30 minutes 22 seconds West, along said west line, 165.00 feet; thence South 88 degrees 28 minutes 58 seconds West, 344.82 feet; thence North 00 degrees 30 minutes 22 seconds West, 250.00 feet to the north line of said Section 18; thence South 88 degrees 28 minutes 58 seconds East, 304.88 feet to the point of beginning.

Containing 13.51 acres more or less.



REVISED

WEDGEWOOD HILLS 7 SITE DATA SUMMARY	
TOTAL ACREAGE	13.51
ACREAGE DEVOTED TO PUBLIC USE	3.08
NUMBER OF LOTS R-1 ZONE	48
NUMBER OF OUTLOTS	2



PRELIMINARY PLAT

OWNER & DEVELOPER
LESLIE A. LURKEN

I hereby certify that the above is a true and correct copy of the original as filed in the office of the County Recorder, Ottertail County, Minnesota.

Date _____ Reg. No. _____

NOTES:
This preliminary plat is submitted for the recording and publication of a survey prepared or caused to be prepared by the owner or his agent, and is not a final plat. It is subject to change and should be checked in the field.

PREPARED BY:
HARVEY A. BOTE, INC.
REGISTERED PROFESSIONAL
PLANNING, LAND SURVEYING
ROCHESTER, MINNESOTA

WEDGEWOOD HILLS SEVENTH

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: **REVISED 5/12/03** #

The Department of Public Works has reviewed the application for PP#03-12, on the Wedgewood Hills Seventh property. The following are Public Works comments on the proposal from 4/10/03. New comments are shown in **BOLD**:

1. A Development Agreement has been executed for this property.
2. Preliminary Construction Plan comments will be provided separately to the Developer's Engineer.
3. Storm Water Management must be provided for this development. ~~If participation in the City's Storm Water Management Plan (SWMP) is approved, a Storm Water Management fee will apply for the benefit of participation for those areas where on-site detention is not provided.~~ **The Owner shall participate in the City's Storm Water Management Plan in lieu of providing on-site detention.**
4. Prior to development of this property, a City-Owner Contract must be executed to address the construction of all public infrastructure and utilities to serve this subdivision.
5. Outlot 'A' shall be dedicated to the City as a mid-block pedestrian access.
6. The Developer is obligated to construct the 10 foot wide bituminous pedestrian path within Outlot 'A', as well as , concrete sidewalk along both sides of Duvall Street NW, and 55th Ave NW, concurrent with development of this property. In addition, as specified in the Development Agreement, the owner is obligated to pay a contribution toward pedestrian facilities along the entire frontage of the Property abutting 55th St NW.
7. This property is within the area designated for the Northwest Transportation Improvement District (NWTID), and will be subject to a TID area charge based on the gross acreage of the subdivision.
8. Dedication of Controlled Access is required along the entire frontage of 55th St NW, with the exception of the right-of-way access opening for 55th Ave NW. Additional Controlled Access is required along the east and west right-of-way lines of 55th Ave NW extending south a distance of 35 feet from the southerly right-of-way of 55th St NW.

ROCHESTER

— Minnesota —

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TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

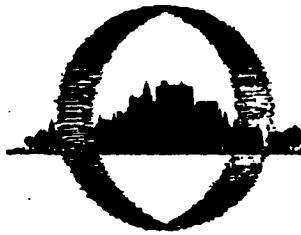
FROM: Mark E. Baker

9. **Execution of a Maintenance & Ownership Agreement is required for Outlot 'B', prior to recording the Final Plat.**
10. **The proposed location of Outlot 'B', intended as a private access to the abutting property, will limit development of the abutting property to no more than four (4) residential units since the access will not meet the spacing requirements for a private road.**
11. **Upon request by the City, the Owner shall dedicate an easement for public infrastructure over the areas that will be platted as 51st St NW, within Wedgewood Hills 7th Subdivision.**

Charges/fees applicable to the development of this property are addressed in the Development Agreement, and include:

- ❖ This sanitary sewer for this entire subdivision is being designed to drain into Sewer District 28G. The Sewer Availability Charge (SAC) for this subdivision will be the standard SAC rate (currently \$1790.25 per acre) unless the design changes and sewer is directed to District 28F, in which case the rate for that district will apply.
- ❖ Water Availability Charge (WAC) @ \$1790.25 per developable acre.
- ❖ A Stormwater Management Fee @ \$2211.76 per acre, for any area of this property that does not drain toward a detention facility, constructed by the Owner, to serve this property.
- ❖ Northwest Transportation Improvement District (NWTID) @ \$2007.14 per gross acre
- ❖ Contribution for a 10 foot wide Pedestrian Path along the entire frontage of 55th St NW @ 27.88 per foot of frontage
- ❖ First Seal Coat @ \$0.49 per square yard of public street surface.
- ❖ Traffic Signs as determined by the City Engineer.

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COUNTY OF
Olmsted



Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE: May 12, 2003

TO: Mitzi Baker

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: McGhie and Betts Inc., Jennifer Garness

RE: WEDGEWOOD HILLS SEVENTH

REVISED 05-12-03 PRELIMINARY PLAT #03-12

A review of the **preliminary plat** has turned up the following **ADDRESS** and **ROADWAY** related issues.

1. 55 Avenue NW is missing its designation north of Duvall Street NW, and south of 51 Street NW.

RECOMMENDATION: Label 55 Avenue NW north of Duvall Street NW and also south of 51 Street NW.

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ROCHESTER PARK AND RECREATION DEPARTMENT
201 FOURTH STREET SE
ROCHESTER MINNESOTA 55904-3769
TELE 507-281-6160
FAX 507-281-6165

MEMORANDUM

DATE: April 18, 2003
TO: Jennifer Garness
Planning
RE: Wedgewood Hills 7th
Preliminary Plat # 03-12

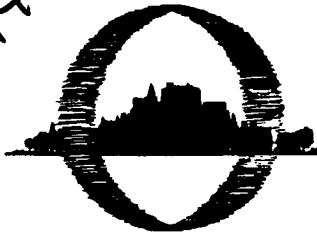
Acreage of plat.....	13.63 a
Number of dwelling units.....	49 units
Density factor.....	.0244
Dedication	1.20 a
Fair market value of land.....	na

The Park and Recreation Department recommends that dedication requirements be met via: The applicant has 1.26 acres of dedication credits as a result of previous land dedication. Dedication for this plat to be in the form of reduction of the credits.

Applicant should be required to grade and establish turf in Outlots A and B prior to deeding to City.

Leslie Lurken
1027 7 St NW
Rochester MN 55901

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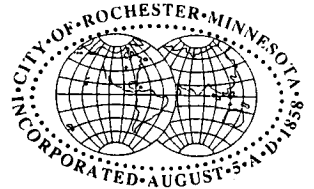


ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted



TO: City Planning and Zoning Commission

FROM: Mitzi A. Baker, Senior Planner

DATE: April 17, 2003

RE: Land Subdivision Permit (Preliminary Plat) #03-12 to be known as Wedgewood Hills Seventh by Leslie A. Lurken. The Applicant is proposing to subdivide approximately 13.63 acres of land into 49 lots for single family development and one Outlot. The Plat also proposes to dedicate new public roadways. The applicant is also requesting approval of a *Substantial Land Alteration* to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located south of 55th Street NW and allows for the continuation of 51st St. NW and Duvall St. NW.

Planning Department Review:

Applicant/Owner:

Leslie Lurken
1027 NW 7th Street
Rochester, MN 55901

Engineer:

McGhie & Betts, Inc.
1648 Third Ave SE
Rochester, MN 55904

Report Attachments:

1. Land Development Manual Excerpts
2. Referral Comments
3. Copy of General Development Plan
4. Copy of Preliminary Plat

Development Review:

Zoning:

An annexation petition is being processed concurrent with this application. The property will be zoned R-1 (Mixed Single Family) upon annexation to the City.

Streets:

The Plat proposes to dedicate right-of-way for 55th Ave. NW, a portion of 55th Street NW, a portion of Duvall Street NW and a portion of 51st Street NW.

Utilities:

Utilities will be extended from their present ends in



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Wedgewood Hills 6th Subdivision.

Sidewalks:

Pedestrian facilities will be required throughout the development and will include a combination of sidewalks and bituminous paths.

Drainage:

Detailed grading and drainage plans will also be required when the property is platted or developed.

Wetlands:

Minnesota Statutes require that all developments be reviewed for the presence of wetlands or hydric soils. There do not appear to be hydric soils within this plat.

Spillover Parking:

The spillover parking requirements for this development would be 59 parking spaces. The proposed roadways, as well as individual driveways, should be adequate to accommodate the required spillover spaces.

Parkland Dedication:

Parkland dedication requirements for this plat will be met via a reduction in dedication credits that this developer has from previous land dedication.

General Development Plan:

This property was identified on the GDP for Wedgewood Hills. This Plat is not entirely consistent with the approved GPD in that a public road access is not being provided to the Krebsbach farmstead to accommodate future development of that parcel without dependence on access to 55th St. Upon notifying the consultant that an internal access to the farmstead would be required, the Plat was revised to provide a 30' wide outlot that will be developed with a private road.

Staff Suggested Findings for Substantial Land Alteration:

Regarding findings for Section 62.1105, staff suggests the findings as written can be made, with the exception of #13 and #14. Staff suggest the following findings for those two items:

#13) The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.

#14) The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.

The Planning Staff would suggest the following findings for Section 61.146:

- 1) *Not applicable.*
- 2) *Not applicable.*
- 3) *Not applicable.*

- 4) *The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.*
- 5) *Not applicable.*
- 6) *Not applicable.*
- 7) *Not applicable.*
- 8) *Not applicable.*

Staff Review and Recommendation:

This property was identified on the GDP for Wedgewood Hills which was approved in May 1997. Interior public road access to the Krebsbach farmstead has always been shown on the GDP. The Plat, as originally filed, proposed to eliminate the interior public road access to the Krebsbach farmstead, leaving future development of that property dependent on direct access to 55th Street. This proposal was inconsistent with the approved GDP and the future upgrade of 55th Street. Upon notifying the consultant that an internal access to the farmstead would be required, the Plat was revised to provide a 30' wide Outlot that will be developed with a private road. An easement will need to be recorded over this Outlot providing a perpetual easement for ingress/egress to the abutting parcel to the north.

An additional modification needed to this Plat is the need for traffic calming at the intersection of 51st Street and 55th Ave. NW. 51st Street is designed to provide a relatively straight connection between 60th Ave. NW and 50th Ave. NW. The consultant indicated this accommodation will be made prior to or concurrent with Final Plat application.

Preliminary Plat:

Staff would recommend the following conditions/modifications to insure the applicable criteria (61.225) are met:

1. ***The Plat shall be revised to identify Access Control along the entire frontage of 55th St. NW except at the public road opening and also along both sides of 55th Ave. NW within 35 feet of the southerly right-of-way of 55th St. NW.***
2. ***The Final Plat application and construction plans shall include traffic calming at the intersection of 51st ST. NW and 55th Ave. NW.***
3. ***Parkland dedication for this plat shall be met via a reduction of dedication credits that resulted from previous land dedication, as specified in the April 1, 2003 memorandum from Rochester Public Works.***
4. ***Storm Water Management must be provided for this development. If participation in the City's Storm Water Management Plan (SWMP) is approved, a Storm Water Management fee will apply for the benefit of participation for those areas where on-site detention is not provided.***
5. ***Outlot A shall be dedicated to the City as a mid-block pedestrian access. Additionally, the developer is obligated to construct the 10' wide bituminous pedestrian path within Outlot A, as well as concrete sidewalk along both sides the public roads being dedicated in the plat, concurrent with the development of this property. In addition, the owner is obligated to pay a contribution toward pedestrian facilities along the entire frontage of 55th Street.***

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6. *This property is within the area designated for the Northwest Transportation Improvement District (NWTID), and will be subject to a TID area charge based on the gross acreage of the subdivision.*
7. *The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.*
8. *The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.*
9. *The applicant is responsible to construct a private roadway within Outlot B and must also extend utilities to serve the abutting exception parcel located north of Outlot B. An access easement shall be recorded over Outlot B for ingress/egress to the abutting parcel to the north (Krebsbach farmstead). The easement document must be recorded prior to recording the Final Plat and the Final Plat documents must be revised to identify the driveway easement and document number. The easement document shall be perpetual, establish a clear policy on how maintenance will be handled, establish the rights of usage, and define how use of the easement is limited or assignable. Public safety personnel and their vehicles shall be assigned the right of passage at all times.*

*****NOTE: ANNEXATION OF THIS PROPERTY IS BEING PROCESSED CONCURRENT WITH THIS APPLICATION. NO ACTIVITIES REQUIRING CITY APPROVAL (i.e. grading, substantial land alteration, utility work, etc.) MAY OCCUR ON THIS PROPERTY UNTIL ANNEXATION IS COMPLETE AND APPROVED BY THE STATE.**

REMINDER TO APPLICANT:

- *Approved grading, drainage and construction plans and an executed Development Agreement will need to be submitted with the final plat application if the applicant intends to record the final plat documents prior to completion of infrastructure improvements.*
- *Prior to development, the property owner will need to execute a City Owner Contract for construction of the public roadways and utilities.*
- *The applicant must obtain any land use approval that is required by another governmental entity with land use jurisdiction, in whole or in part, over this development.*

Excerpt from the Rochester Zoning Ordinance and Land Development Manual

61.225 Findings for Land Subdivision:

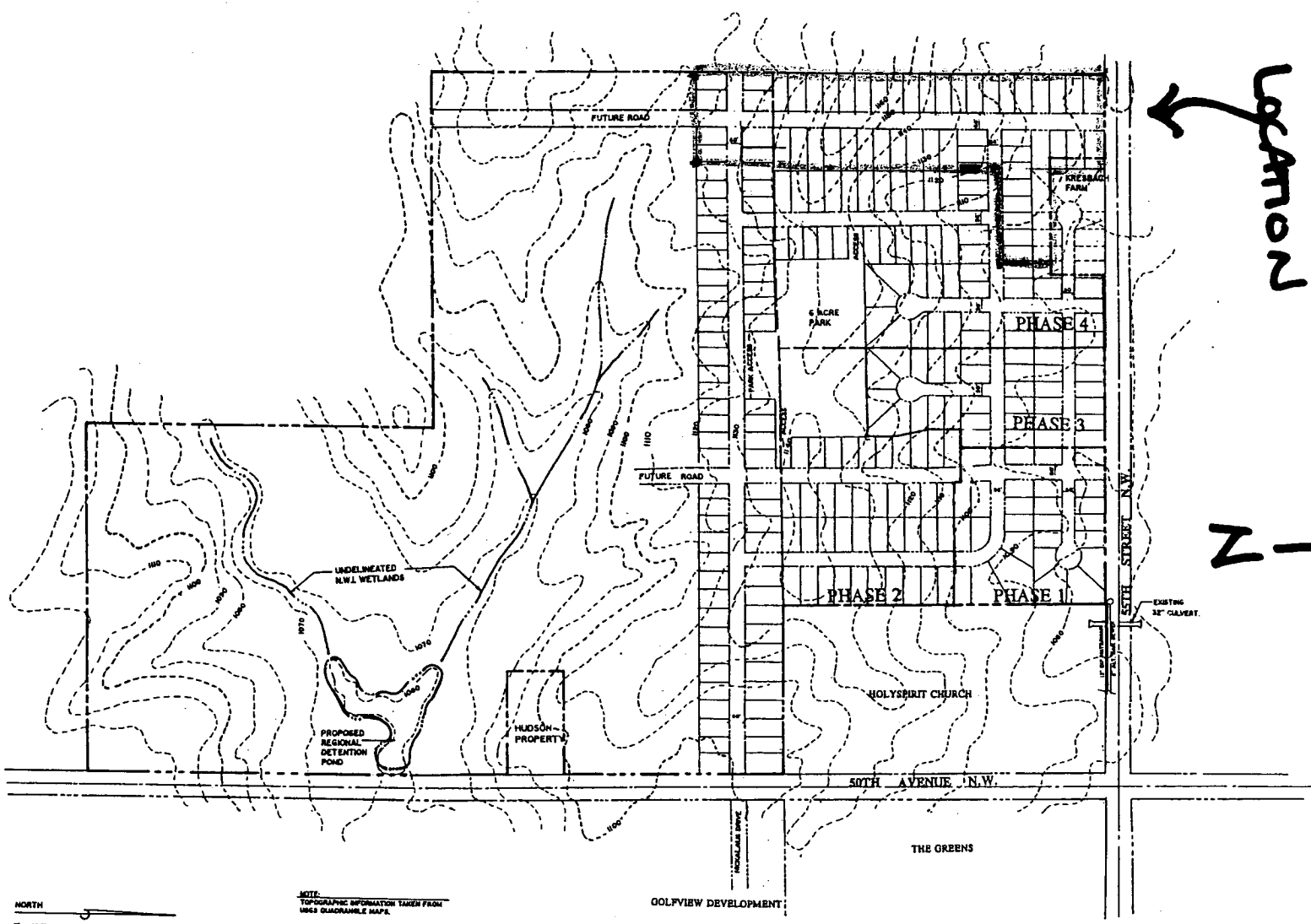
The Zoning Administrator, Commission or Council shall approve a development permit authorizing a land subdivision if, with respect to the proposed development, all of the following findings are made:

- 1) The proposed land subdivision conforms to all relevant requirements of this ordinance and variances have been granted to permit any nonconformance;
- 2) That the proposed water system and sanitary sewer system are adequate to serve the normal and fire protection demands of proposed development and to provide for the efficient and timely extension to serve future development;
- 3) That the plan for soil erosion and stormwater management meets the adopted standards of the City of Rochester and is consistent with the adopted Stormwater Management Plan or adopted drainage or stormwater policies;
- 4) That the vehicular and non-motorized system is consistent with adopted transportation plans and is consistent with the street layout standards listed in Section 64.120 and traffic service standards in Section 61.526;
- 5) That the lot and block layout provide for safe and convenient vehicular, service and emergency access, efficient utility service connections, and adequate buildable area in each lot for planned uses;
- 6) That the proposed land subdivision has taken into account the current six-year and other Long-Range Capital Improvements Programs and the elements listed therein in the design of the subdivision;
- 7) That the proposed land subdivision, if in a residential zoning district, addresses the need for spillover parking consistent with the requirements of Section 63.426;
- 8) That right-of-ways and easements of adequate size and dimension are provided for the purpose of constructing the street, utility, and drainage facilities needed to serve the development;
- 9) That the proposed parks, trail thoroughfares and open space dedications are consistent with adopted plans, policies and regulations;
- 10) That the proposed subdivision will not have off-site impacts on the street, drainage, water or wastewater systems that exceed adopted standards;

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- 11) That the proposed subdivision will not have adverse impacts on the safety or viability of permitted uses on adjacent properties;
 - 12) That the proposed land subdivision is designed in such a manner as to allow for continued development in an efficient manner on adjacent undeveloped lands;
 - 13) That the soils, topography and water tables have been adequately studied to ensure that all lots are developable for their designated purposes;
 - 14) That the proposed land subdivision is consistent with the standards of the City's adopted Comprehensive Plan;
 - 15) That any land located within Zone A as shown on the currently adopted Flood Boundary and Floodway Maps of Flood Insurance Study, Rochester, Minnesota, prepared by the Federal Emergency Management Agency, is determined to be suitable for its intended use and that the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, or any other floodplain related risks to the health, safety or welfare of the future residents of the proposed subdivision in a manner consistent with this ordinance; and
 - 16) That the proposed land subdivision, if approved, would not result in a violation of federal or state law, or city or county ordinance.
- 61.226 **Conditions on Approvals:** In considering an application for a development permit to allow a land subdivision, the approving body shall consider and may impose modifications or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Section 61.225.

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location

N



NOTE:
TOPOGRAPHIC INFORMATION TAKEN FROM
1963 QUADRANGLE MAPS.

GOLFVIEW DEVELOPMENT

APR - 9 1994

WEDGEWOOD HILLS
GDP

Date	Revised	By

McGraw-Hill Construction Information Group



LBR CONSTRUCTION
1027 7TH STREET N.W.
ROCHESTER MN 55901

GENERAL

DEVELOPMENT



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ROCHESTER PARK AND RECREATION DEPARTMENT
201 FOURTH STREET SE
ROCHESTER MINNESOTA 55904-3769
TELE 507-281-6160
FAX 507-281-6165

M E M O R A N D U M

DATE: April 1, 2003

TO: Jennifer Garness
Planning

RE: Wedgewood Hills 7th
Preliminary Plat # 03-12

Acreage of plat.....	13.63 a
Number of dwelling units.....	49 units
Density factor.....	.0244
Dedication	1.20 a
Fair market value of land.....	na

The Park and Recreation Department recommends that dedication requirements be met via: The applicant has 1.26 acres of dedication credits as a result of previous land dedication. Dedication for this plat to be in the form of reduction of the credits.

Applicant should be required to grade and establish turf in Outlot A prior to deeding to City.

Leslie Lurken
1027 7 St NW
Rochester MN 55901

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 4/10/03

The Department of Public Works has reviewed the application for PP#03-12, on the Wedgewood Hills Seventh property. The following are Public Works comments on the proposal:

1. A Development Agreement has been executed for this property.
2. Preliminary Construction Plan comments will be provided separately to the Developer's Engineer.
3. Storm Water Management must be provided for this development. If participation in the City's Storm Water Management Plan (SWMP) is approved, a Storm Water Management fee will apply for the benefit of participation for those areas where on-site detention is not provided.
4. Prior to development of this property, a City-Owner Contract must be executed to address the construction of all public infrastructure and utilities to serve this subdivision.
5. Outlot 'A' shall be dedicated to the City as a mid-block pedestrian access.
6. The Developer is obligated to construct the 10 foot wide bituminous pedestrian path within Outlot 'A', as well as , concrete sidewalk along both sides of Duvall Street NW, and 55th Ave NW, concurrent with development of this property. In addition, as specified in the Development Agreement, the owner is obligated to pay a contribution toward pedestrian facilities along the entire frontage of the Property abutting 55th St NW.

ROCHESTER

— Minnesota —

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TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

7. This property is within the area designated for the Northwest Transportation Improvement District (NWTID), and will be subject to a TID area charge based on the gross acreage of the subdivision.
8. Dedication of Controlled Access is required along the entire frontage of 55th St NW, with the exception of the right-of-way access opening for 55th Ave NW. Additional Controlled Access is required along the east and west right-of-way lines of 55th Ave NW extending south a distance of 35 feet from the southerly right-of-way of 55th St NW

Charges/fees applicable to the development of this property are addressed in the Development Agreement, and include:

- ❖ This sanitary sewer for this entire subdivision is being designed to drain into Sewer District 28G. The Sewer Availability Charge (SAC) for this subdivision will be the standard SAC rate (currently \$1790.25 per acre) unless the design changes and sewer is directed to District 28F, in which case the rate for that district will apply.
- ❖ Water Availability Charge (WAC) @ \$1790.25 per developable acre.
- ❖ A Stormwater Management Fee @ \$2211.76 per acre, for any area of this property that does not drain toward a detention facility, constructed by the Owner, to serve this property.
- ❖ Northwest Transportation Improvement District (NWTID) @ \$2007.14 per gross acre
- ❖ Contribution for a 10 foot wide Pedestrian Path along the entire frontage of 55th St NW @ 27.88 per foot of frontage
- ❖ First Seal Coat @ \$0.49 per square yard of public street surface.
- ❖ Traffic Signs as determined by the City Engineer.



Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060
2900 48th Street N.W.
Rochester, MN 55901-5848

Office Tel: 507-280-2913

Fax: 507-285-7355

E-mail: dale.maul@dot.state.mn.us

April 9, 2003

Jennifer Garness
Rochester-Olmsted Planning Department
2122 Campus Drive SE-Suite 100
Rochester, MN 55904

Re: Annexation Petition #03-12 by Leslie A. Lurken to annex approximately 13.63 acres of land located south of 55th Street NW, east of Kingsbury Hills Subdivision and west of Wedgewood Hills Third and Wedgewood Hills Fifth Subdivisions. The property is located in a part of the NE ¼ of Section 18 Cascade Township.

Land Subdivision Permit (Preliminary Plat) #03-12 to be known as Wedgewood Hills Seventh by Leslie A. Lurken. The Applicant is proposing to subdivide approximately 13.63 acres of land into 49 lots for single-family development and one Outlot. The property is located south of 55th Street NW and allows for the continuation of 51st Street NW and Duvall Street NW.

Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above Preliminary Plat. Although this development does not have direct access to TH 52, the traffic generated will eventually use TH 52. Mn/DOT requests the City of Rochester monitor and manage the impacts this development will have for both City Streets and for Mn/DOT roadways.

Thank you for keeping Mn/DOT informed. You may contact Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777 for any questions you may have.

Sincerely,

Dale E. Maul
Planning Director



The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: April 8, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: Land Subdivision Permit (Preliminary Plat) 03-12 to be known as Wedgewood Hills Seventh by A. Lurken. The Applicant is proposing to subdivide approximately 13.63 acres of land into 49 lots for single family development and one Outlet.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
 2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
 3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
 4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- c: Donn Richardson, RPU, Water Division
Leslie A. Lurken – 1027 NW 7th Street – Rochester, MN 55901
McGhie & Betts, Inc. – 1648 Third Ave SE – Rochester, MN 55904

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WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Prel. Plat #03-12, Wedgewood Hills 7th

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☒ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☐ Other or Explanation:



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April 4, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Preliminary Plat #03-12 by Leslie A. Lurken to be known as Wedgewood Hills Seventh and a Substantial Land Alteration.

Dear Ms. Garness:

Our review of the referenced preliminary plat is complete and our comments follow:

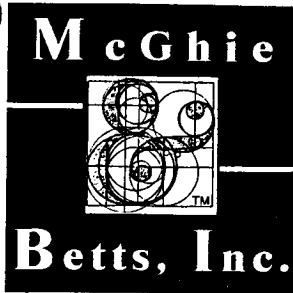
1. Static water pressures within this area will range from 56 to 77 PSI.
2. Minor revisions to the proposed water system layout are required. We have provided the applicant's engineering firm with these comments.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention Bureau
Gary Schick, Building & Safety
Leslie A. Lurken
McGhie & Betts, Inc.



SUBSTANTIAL LAND ALTERATION

Rochester
Minnesota

March 24, 2003

Mr. Brent Svenby
Consolidated Planning Department
2122 Campus Drive
Rochester, MN 55904

Land Surveying

Urban - Land Planning

Consulting - Civil Engineering

Geotechnical Engineering

Construction Material Testing

Landscape Architecture

RE: Exemption from Section 62.1101.2 (a) for Wedgewood Hills Seventh

Dear Mr. Svenby:

Section 62.1101 of the Rochester Land Development Manual and Zoning Ordinance contains new standards for substantial land alteration projects. The grading of the Wedgewood Hills Seventh site will result in exceeding a 10-foot vertical cut and a 10-foot vertical fill over various portions of the site. This project meets the definition of Section 62.1101.2.a.1(d) where the cut/fill involves a grade change of 10-feet or more from the pre-existing grades. The enclosed grading plan indicates the cut and fill areas on the site. The maximum extreme cut would be approximately 18', which will occur on the middle portion of the site. (See grading plan.)

Section 62.1102.1.F provides for an exemption provided there are sufficient findings made as contained in 62.1105. The following are suggested findings in support of the request:

62.1105(1-15).

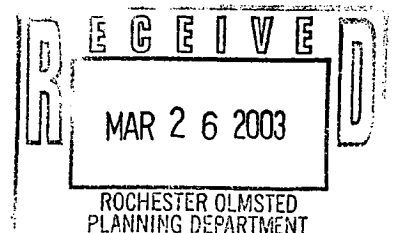
1. The activity necessary to grade the portions in excess of 10-foot vertical cut/fill will not result in unstable slopes or unsafe access. The slopes on the site will be a maximum of 3:1 and only a small portion of the grading would involve a 18-foot cut.
2. The environmental impacts of grading on this site to adjacent properties will be minimal.
3. There is access to the site from the south and the east. The material will be moved to the Harvestview site directly north across 55th Street NW. This will minimize the impact on the surrounding roads by only using a very small portion of them.
4. The additional grading will not adversely affect air quality, the ground water, or surface water quality.
5. The natural topography of the area will be re-graded to provide adequate slopes for single - family dwellings for this development and future single-family developments planned in the General Development Plan, but the overall scenic quality will be maintained.

1648 Third Avenue S.E.
Rochester, MN 55904

Tel. 507.289.3919
Fax. 507.289.7333

e-mail. mcghiebetts.com

Established 1946





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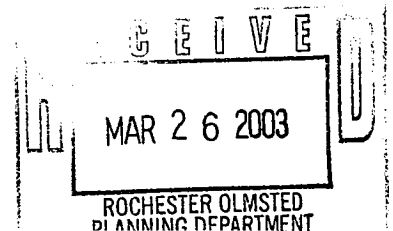
6. The grading is compatible with the proposed adjacent neighborhood developments.
7. The grading will be confined to the Wedgewood site, and will not unduly affect the use and enjoyment of adjacent properties.
8. The grading activity will take place in 1 phase taking approximately 6 weeks. There are homes in the immediate area that will be visually affected by the grading activity for only a short time during the grading process.
9. The grading plan will provide for proper restoration stabilization in accordance with the codes for the City of Rochester.
10. The grading will not result in negative impacts on the drainage patterns. The grading of the site is such that run-off is directed to appropriate locations in the street and handled through the City storm water plan.
11. The area of grading does not contain sinkholes or wetlands and will not affect the groundwater or the subsurface water quality once restoration and stabilization is completed.
12. The grading of the site will take place in 1 phase taking approximately 6 weeks. This time frame is appropriate for the size and location of this activity.
13. Permanent and interim (during construction) erosion/sedimentation control will be provided for in the grading plan. The City will review and approve this grading plan.
14. A performance and payment bond is required for all work associated with the construction of the public improvements. This bond will be submitted with the owner/contractor.
15. This development will comply with the standards in the Land Development Manual and on file with Public Works.

Very truly yours,

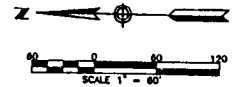
McGHIE & BETTS INC.

Joshua J. Johnson
JJJ/bd

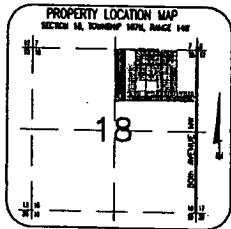
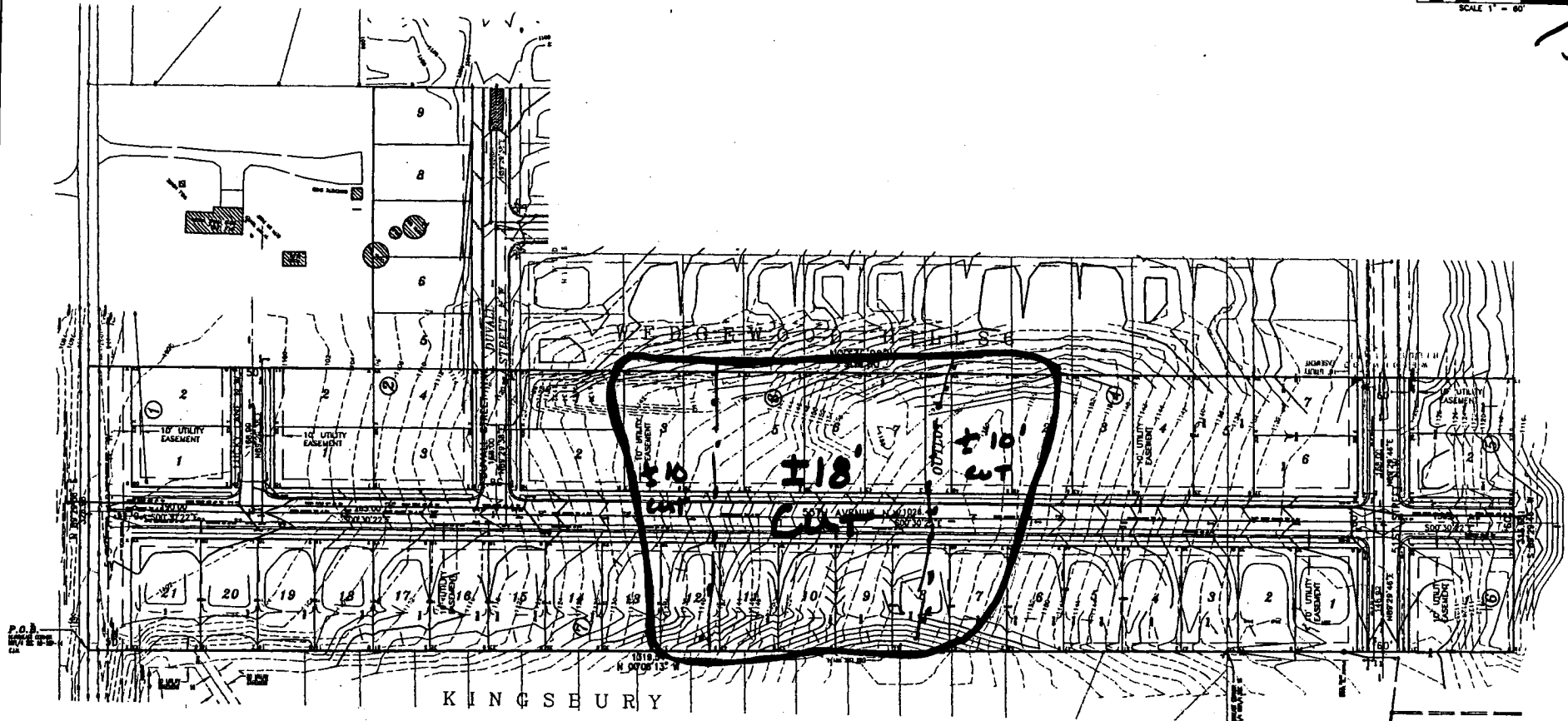
pc: Mr. Leslie A. Lurken



WEDGEWOOD HILLS 7



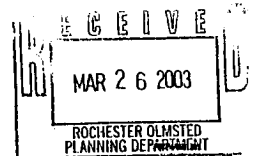
152



SUBSTANTIAL LAND ALTERATION

SUBSTANTIAL LAND ALTERATION EXHIBIT

OWNER & DEVELOPER
LUCKY LURKEN



WEDGEWOOD HILLS 7

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property. The property is located east of TH 63, north of 48th Street SE and west of the future alignment of St. Bridget Road SE.

Ms. Petersson moved to table Land Subdivision Permit (Preliminary Plat) #03-11 to be known as Maine Street Development by Maine Street Development Company of Rochester LLC to an indefinite date. Mr. Burke seconded the motion. The motion carried 8-0.

* Land Subdivision Permit (Preliminary Plat) #03-12 to be known as Wedgewood Hills Seventh by Leslie A. Lurken. The Applicant is proposing to subdivide approximately 13.63 acres of land into 49 lots for single family development and one Outlot. The Plat also proposes to dedicate new public roadways. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located south of 55th Street NW and allows for the continuation of 51st St. NW and Duvall St. NW.

Mr. Brent Svenby presented the staff report, dated April 17, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that the plat is not entirely consistent with the general development plan.

The applicant's representative, Ms. Kristi Clarke, of McGhie & Betts, Inc. (1648 Third Avenue SE, Rochester MN), addressed the Commission. She showed where the traffic calming measures would be located. She indicated that the applicant agreed with the staff-recommended conditions except with regard to the language in condition number 9 regarding gravity flow.

Mr. Svenby asked that the language be written as shown until he can confer with Public Works prior to the City Council meeting.

With no one else wishing to be heard, Mr. Quinn closed the public hearing.

Mr. Burke moved to recommend approval of Land Subdivision Permit (Preliminary Plat) #03-12 to be known as Wedgewood Hills Seventh by Leslie A. Lurken and Substantial Land Alteration with the staff-recommended conditions and findings. Mr. Staver seconded the motion. The motion carried 7-0, with Mr. Ohly abstaining.

CONDITIONS:

- 1. The Plat shall be revised to identify Access Control along the entire frontage of 55th St. NW except at the public road opening and also along both sides of 55th Ave. NW within 35 feet of the southerly right-of-way of 55th St. NW.**
- 2. The Final Plat application and construction plans shall include traffic calming at the intersection of 51st ST. NW and 55th Ave. NW.**
- 3. Parkland dedication for this plat shall be met via a reduction of dedication credits that resulted from previous land dedication, as specified in the April 1, 2003 memorandum from Rochester Public Works.**

4. Storm Water Management must be provided for this development. If participation in the City's Storm Water Management Plan (SWMP) is approved, a Storm Water Management fee will apply for the benefit of participation for those areas where on-site detention is not provided.
5. Outlot A shall be dedicated to the City as a mid-block pedestrian access. Additionally, the developer is obligated to construct the 10' wide bituminous pedestrian path within Outlot A, as well as concrete sidewalk along both sides the public roads being dedicated in the plat, concurrent with the development of this property. In addition, the owner is obligated to pay a contribution toward pedestrian facilities along the entire frontage of 55th Street.
6. This property is within the area designated for the Northwest Transportation Improvement District (NWTID), and will be subject to a TID area charge based on the gross acreage of the subdivision.
7. The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.
8. The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.
9. The applicant is responsible to construct a private roadway within Outlot B and must also extend utilities to serve the abutting exception parcel located north of Outlot B. An access easement shall be recorded over Outlot B for ingress/egress to the abutting parcel to the north (Krebsbach farmstead). The easement document must be recorded prior to recording the Final Plat and the Final Plat documents must be revised to identify the driveway easement and document number. The easement document shall be perpetual, establish a clear policy on how maintenance will be handled, establish the rights of usage, and define how use of the easement is limited or assignable. Public safety personnel and their vehicles shall be assigned the right of passage at all times.

Land Use Plan Amendment Petition #03-01 and Zoning District Amendment #03-03 by Jack Remick to amend the Land Use Plan designation from "Medium Density Residential" to "Industrial" and the zoning from R-3 (Medium Density Residential) to the M-1 (Mixed Commercial-Industrial) district on approximately 27.63 acres of land. The property is platted as Lot 1, Block 1 and Lot 1, Block 2 Athletic Club Subdivision and is located along Industrial Drive NW, south of 19th Street NW and west of Valleyhigh Drive NW.

AND

Amendment to General Development Plan #113 known as Rochester Athletic Club by Jack Remick. The applicant is proposing to amend to approved GDP which identifies the property being developed with residential uses to being developed with commercial and industrial uses. The property is platted as Lot 1, Block 1 and Lot 1, Block 2 Athletic Club

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5-19-03

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AGENDA SECTION:
PUBLIC HEARINGSORIGINATING DEPT:
PLANNING

ITEM NO.

E-6

ITEM DESCRIPTION: Final Plat #03-10 by Badger Development II, LLC to be known as
Badger Village TownhomesPREPARED BY:
Brent Svenby,
Planner

May 15, 2003

Planning Department Review:

See attached staff report dated May 15, 2003 recommending approval subject to the following modifications/conditions:

1. *The cul-de-sac associated with this plan is indicated as less than 96 feet in diameter and shall be posted "No Parking" along the cul-de-sac.*
2. *The documents assigning long-term maintenance of common lands and facilities shall be recorded concurrent with the final plat documents (mylars).*

Council Action Needed:

1. *A resolution approving the plat can be adopted.*

Distribution:

1. City Administrator
2. City Attorney
3. Planning Department File
4. Planning Department, GIS Division
5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, May 19, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
6. Yaggy Colby Associates

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

Final Plat #03-10
Badger Village Townhomes
500' Notification Distance
Ward 3 McConnell
05/06/03

VER FALLS RD NW

KENOSHA DR NW

TOMAH PL NW
ASHLAND PL NW

OSHKOSH LN NW

KENOSHA LN NW

ASHLAND LN NW

SUPERIOR DR NW

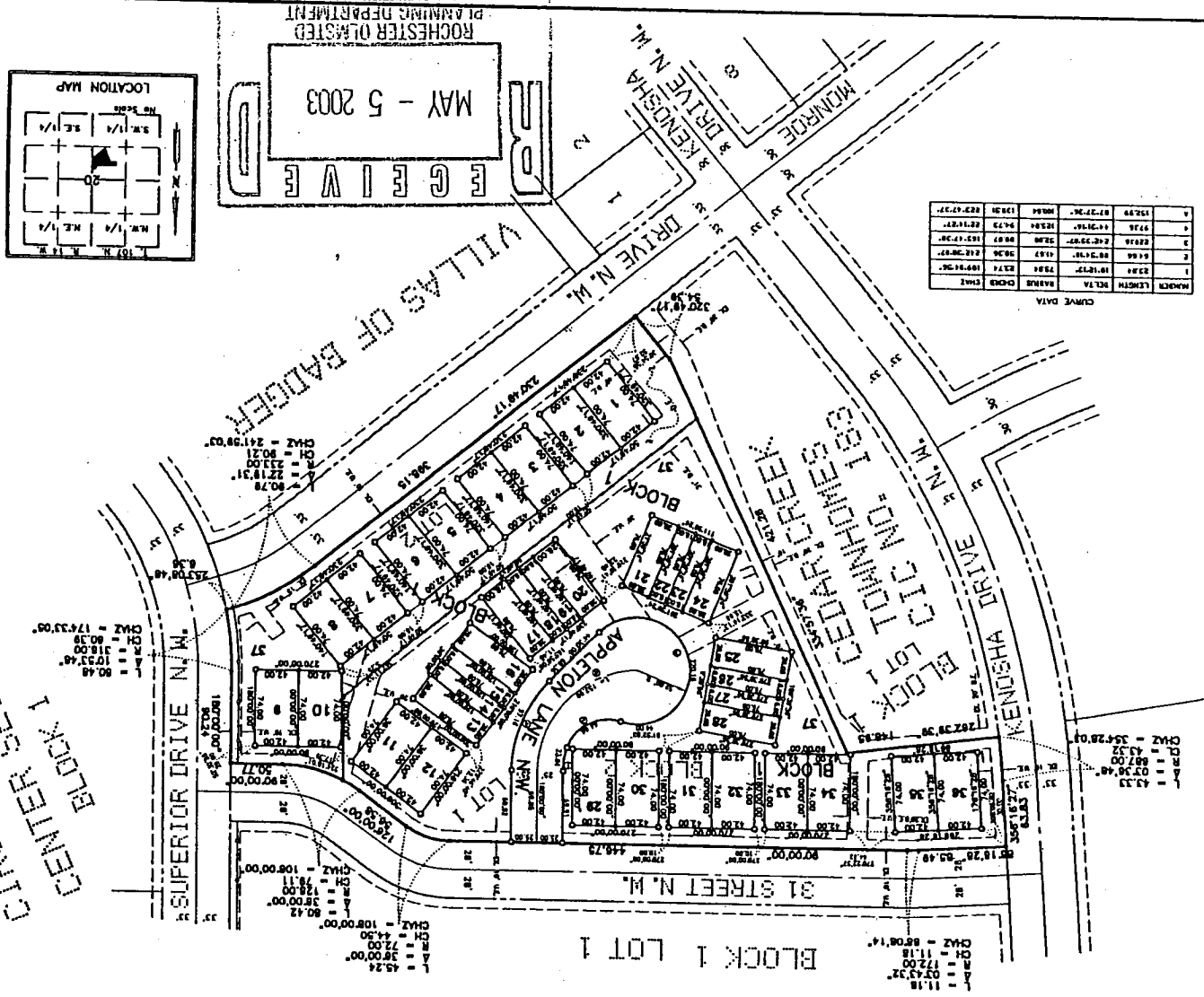
28 ST NW

26 ST NW

SUPERIOR LN NW

PROJECT: BADGER RIDGE
 COMPUTER FILE: 131006-A-1701.dwg
 DATE: 2/2/02
 DRAWN BY: EDC/DAW

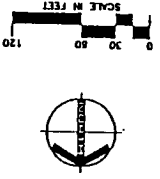
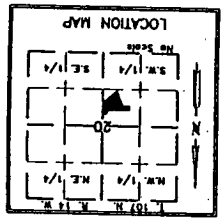
BADGER VILLAGE TOWNHOMES FOURTH SUBDIVISION BADGER RIDGE



CURVE DATA

STATION	CHORD BEARING	CHORD LENGTH	ARC LENGTH	ARC BEARING	PI
1+00.00	S 89° 51' 36" E	109.94	109.94	89° 51' 36"	1.5708
2+09.94	S 89° 51' 36" E	109.94	109.94	89° 51' 36"	1.5708
3+19.88	S 89° 51' 36" E	109.94	109.94	89° 51' 36"	1.5708
4+29.82	S 89° 51' 36" E	109.94	109.94	89° 51' 36"	1.5708
5+39.76	S 89° 51' 36" E	109.94	109.94	89° 51' 36"	1.5708
6+49.70	S 89° 51' 36" E	109.94	109.94	89° 51' 36"	1.5708
7+59.64	S 89° 51' 36" E	109.94	109.94	89° 51' 36"	1.5708
8+69.58	S 89° 51' 36" E	109.94	109.94	89° 51' 36"	1.5708
9+79.52	S 89° 51' 36" E	109.94	109.94	89° 51' 36"	1.5708
10+89.46	S 89° 51' 36" E	109.94	109.94	89° 51' 36"	1.5708

ROCHESTER DISTRICT
 PLANNING DEPARTMENT
 MAY - 5 2003



UTILITY EASEMENT REQUIRED
 An undeveloped easement for the construction and maintenance of all necessary overhead and underground utilities, including rights to conduct drilling and boring on and around.

WET - WETLY EASEMENT
 An undeveloped easement for the construction and maintenance of all necessary overhead and underground utilities, including rights to conduct drilling and boring on and around.

DRAINAGE EASEMENT REQUIRED
 An undeveloped easement for the construction and maintenance of all necessary overhead and underground utilities, including rights to conduct drilling and boring on and around.

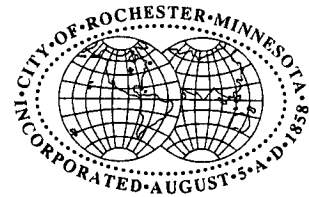
CONTROLLED ACCESS
 An undeveloped easement for the construction and maintenance of all necessary overhead and underground utilities, including rights to conduct drilling and boring on and around.

NOTES
 1. All measurements are in feet.
 2. All bearings are in degrees, minutes and seconds.
 3. All distances are in feet.
 4. All areas are in square feet.
 5. All volumes are in cubic feet.
 6. All weights are in pounds.
 7. All temperatures are in degrees Fahrenheit.
 8. All pressures are in pounds per square inch.
 9. All speeds are in miles per hour.
 10. All times are in hours, minutes and seconds.



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TO: Rochester Common Council

FROM: Brent Svenby, Planner

DATE: May 15, 2003

RE: Final Plat #03-10 to be known as Badger Village Townhomes by Badger Development II LLC. The Applicant is proposing to re-subdivide Lots 1 & 2, Block 2 Badger Ridge Fourth Subdivision into 37 lots for single-family attached dwellings. The Plat also proposes to dedicate one new public roadway. The property is located west of Superior Drive NW, east of Kenosha Drive NW and north of Monroe Drive NW.

ROCHESTER-OLMSTED
PLANNING DEPARTMENT
2122 CAMPUS DR SE
ROCHESTER MN 55904-4744
ADMINISTRATION/ 507/285-8232
PLANNING
GIS/ADDRESSING/ 507/285-8232
MAPPING
HOUSING/HRA 507/285-8224
507/285-8213
507/285-8345
507/287-2275

Planning Department Review:

Applicant/Owner: Badger Development II, LLC
400 South Broadway, Suite 100
Rochester, MN 55904

Surveyors/Engineers: Yaggy Colby Associates
717 Third Avenue SE
Rochester, MN 55904

Referral Comments:

1. Rochester Park and Recreation Department
2. Rochester Public Works Department
3. Planning Department – Addressing Staff
4. Planning Department - Wetlands
5. RPU – Water Division
6. RPU – Operations Division
7. Fire Department
8. Rochester Building and Safety Department

Report Attachments:

1. Referral Comments (4 Letters)
2. Copy of Final Plat
3. Location Map

Plat Data:

Location of Property: The property is located along the west side of Superior Drive NW, east of Kenosha Drive NW and north of Monroe Drive NW.

Zoning: The property is zoned R-3 (Medium Density Residential) in the City of Rochester.

Proposed Development: This development consists of re-subdividing Lots 1 & 2, Block 2 Badger Ridge Fourth Subdivision into 36



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lots for single family attached dwellings and one lot for common space.

Roadways:

This plat dedicates right-of-way for one new public roadway. This roadway called Appleton Lane NW is a cul-de-sac extending southerly from 31st Street NW. The roadway is designed with a 29' wide surface with a 50' right-of-way width.

Pedestrian Facilities:

In accordance with current City policy, sidewalk is required along both sides of all of the new streets in the subdivision.

Wetlands:

The Soil Survey and National Wetland Indicator maps were reviewed for the presence of wetlands. It does not appear that hydric soils exist on this portion of the property.

Public Utilities:

The City has approved the public improvement (water main and sanitary sewer construction) plans for the subdivision.

Spillover Parking:

Spillover parking requirements were reviewed at the time the performance residential development plan was approved.

Parkland Dedication:

No additional parkland dedication is due. Dedication for the area has been met via the deferred dedication as a result of the October 7, 2002 approval of Badger Ridge 4th.

General Development Plan:

The proposed plat is consistent with recently amended GDP for Badger Ridge.

Preliminary Plat:

A preliminary plat was approved for this property on April 21, 2003 with the following conditions/modifications:

1. *The cul-de-sac associated with this plan is indicated as less than 96 feet in diameter and shall be posted "No Parking" along the cul-de-sac.*
2. *The plat shall be labeled as Block 1 instead of Block 2.*

Planning Staff and Recommendation:

The Planning Staff has reviewed the submitted final plat in accordance with the Rochester Zoning Ordinance and Land Development Manual and would recommend approval of this final plat subject to the following conditions / modifications:

1. *The cul-de-sac associated with this plan is indicated as less than 96 feet in diameter and shall be posted "No Parking" along the cul-de-sac.*
2. *The documents assigning long-term maintenance of common lands and facilities shall be recorded concurrent with the final plat documents (mylars).*

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 5/13/03

The Department of Public Works has reviewed the application for Final Plat #03-10 on the Badger Village Townhomes (replat of Lots 1 & 2, Block 1, Badger Ridge 4th) property. The following are Public Works comments on this request:

1. This property is subject to the terms of the executed Development Agreement for Badger Ridge.
2. Construction of public infrastructure, including Appleton Ln NW, was addressed in the previously executed City-Owner Contract for Badger Ridge 4th Subdivision.

Charges/fees applicable to the development of this property are addressed in the Development Agreement and have been paid through the City-Owner Contract for Badger Ridge First Subdivision.



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ROCHESTER PARK AND RECREATION DEPARTMENT
201 FOURTH STREET SE
ROCHESTER MINNESOTA 55904-3769
TELE 507-281-6160
FAX 507-281-6165

M E M O R A N D U M

DATE: May 7, 2003

TO: Jennifer Garness
Planning

RE: Badger Village Townhomes
Final Plat # 03-10

Number of dwelling units.....	37 units
Density factor.....	.0244
Dedication	na
Fair market value of land.....	na

The Park and Recreation Department recommends that dedication requirements be met via: Dedication for this area has been met via deferred dedication as a result of October 7, 2002 approval of Badger Ridge 4th. No additional dedication is due.

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The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: May 13, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: Final Plat 03-10 to be known as Badger Village Townhomes by Badger Development II LLC. The Applicant is proposing to re-subdivide Lots 1 & 2, Block 2 Badger Ridge Fourth Subdivision into 37 lots for single family attached dwellings.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.

c: Donn Richardson, RPU, Water Division
Badger Development II, LLC – 400 S Broadway, Suite 100 – Rochester, MN 55904
Yaggy Colby Associates – 717 Third Ave SE – Rochester, MN 55904

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**Rochester Building
Safety Department**

Memo

To: Jennifer Garness, Planning Department

From: Kenneth Heppelmann

CC: Badger Development II, LLC
Yaggy Colby Associates
Gary Schick, Plumbing Inspector
Mark Sparks, Electrical Inspector

Date: May 12, 2003

Re: Final Plat #03-10 to be known as Badger Village Townhomes

The above referenced development appears to indicate new construction that is regulated under the Building Code and will require building permits. Complete plans and specifications are required to be submitted for a building permits prior to construction.

The proposed construction appears to consist of attached single-family dwellings (townhomes) on separate lots with property lines between the units. Please verify the following items:

- Separate utility services (i.e. sewer, water, gas, electric, etc.) are required to be provided to each dwelling unit. The utilities are not permitted to encroach onto or through the adjacent lots.
- The fire resistive rating of exterior walls, and projections from such walls, with a fire separation distance of less than three feet is required to comply with IRC Section 302.1.
- The dwelling units are required to be separated with fire resistive rated wall assemblies in accordance with the 2000 IRC, Section 321.2.

Please let me know if you have any questions or concerns.

Thank you

16f

REQUEST FOR COUNCIL ACTION

MEETING
5-13-03

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AGENDA SECTION: PUBLIC HEARING	ORIGINATING DEPT: PLANNING	ITEM NO. E-7
ITEM DESCRIPTION: Final Plat #03-15 to be known as Sunset Trail		PREPARED BY: Mitzi A. Baker, Senior Planner

May 13, 2003

Staff Recommendation:

1. *An access easement document shall be recorded concurrent with recording the Final Plat documents to ensure perpetual access across and between Lots 1 and 2, and shall establish a clear policy on how maintenance will be handled. Public safety personnel and their vehicles shall be assigned the right of passage at all times.*

Council Action Needed:

1. *If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.*

Attachment:

1. Staff Report

Distribution:

1. City Attorney
2. Planning Department File
3. GGG
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday May 19, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

Final Plat #03-15
Sunset Trail
800' Notification Distance
Ward 3 McConnell
05/06/03

WEST CIRCLE DR NW

41 ST NW

40 AVE NW

40 AVE NW

PROW LN NW

INSTRUMENT DR NW

LIVERPOOL PL NW

ARBOR LN NW

YORK LN NW

ARBORETUM DR

ARBORETUM DR NW

42 ST NW

STRATFORD LN NW

ARBOR DR NW

ST NW

DORSET

48 ST NW
DORSET LN NW

BRADFORD LN NW

TRENTON LN NW

SCARBOROUGH LN NW

LINCOLN LN NW

GLEN LN NW

SPENCER LN NW

OXFORD LN NW

WEMBLEY LN NW

31 AVE NW

43 ST NW

48 ST NW

RD 151 NW

28 ST NW

D LN NW

170

SUNSET TRAIL

SE 1/4

SW 1/4

SE 1/4

SW 1/4

UNPLATTED

UNPLATTED

LOT 1, BLOCK 2

LOT 2

NW 1/4

NW 1/4

NE 1/4

UNPLATTED

REMARKS:
ALL BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 107 NORTH, RANGE 14 WEST WHICH IS ASSIGNED TO BEAR S86°12'16"W.

CONTROLLED ACCESS EASEMENT:
EASEMENT TO, FROM, OR ACROSS THE ADJUTING ROADWAY IS RESTRICTED BY THE ROAD AUTHORITY PURSUANT TO MINNESOTA STATE STATUTE 16A.02.

UTILITY EASEMENT DEFINED:
AN UNRESTRICTED EASEMENT FOR THE OPERATION AND MAINTENANCE OF ALL WATERWAYS, BOTH SURFACE AND UNDERGROUND RUNNING OVER, UNDER, AND ACROSS EASED EASEMENT.

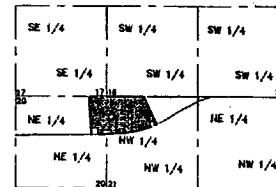
EXISTING EASEMENTS DEFINED:
ALL EASEMENTS SHOWN ARE PER TRAILBLAZE AT 41ST BY UET UNLESS OTHERWISE DESCRIBED.

UTILITY EASEMENTS:
UTILITY EASEMENTS ARE 10 FEET BY BOTH ADJACENT TO STREET LINES AND 10 FEET ADJACENT TO REAR LOT LINES UNLESS OTHERWISE SHOWN.

SURVEYOR'S NOTE:
THE BASIS OF THE ORIENTATION FOR THE TORRENS PROPERTY IS 01 MINUTE DIFFERENT THAN THE BASIS OF THE ORIENTATION FOR THE ABSTRACT PROPERTY.

EASEMENT "A":
Pedestrian access easement per document #85628 on file and of record in the Office of the Olmsted County Recorder.

EASEMENT "B":
Pedestrian access easement per document #83385 on file and of record in the Office of the Olmsted County Recorder.



VICINITY MAP
T. 107, R. 14

LINE	(M) AZIMUTH	DISTANCE	(N) AZIMUTH
L1	333°53'22"	10.00'	
L2	153°32'38"	10.00'	
L3	284°17'48"	100.00'	284°18'48"
L4	334°22'30"	100.00'	334°21'38"
L5	284°17'48"	24.88'	284°18'48"
L6	284°38'24"	18.10'	284°38'24"
L7	354°12'46"	20.00'	354°12'46"
L8	83°08'24"	18.48'	83°08'24"
L9	174°22'56"	1.64'	174°22'56"
L10	174°22'56"	12.15'	174°22'56"
L11	284°18'48"	17.11'	

CURVE	LENGTH	DELTA	RADIUS	CHORD	(M) CHORD AZIMUTH	(N) CHORD AZIMUTH
C1	13.08'	00°22'41"	1382.39'	13.08'	AZ=41°28'38"	
C2	18.85'	00°40'44"	1372.39'	18.85'	AZ=51°28'30"	
C3	0.23'	00°00'35"	1382.39'	0.23'	AZ=61°28'40"	
C4	36.07'	01°19'17"	1382.39'	36.07'	AZ=62°15'35"	
C5	124.36'	05°09'18"	1382.39'	124.36'	AZ=69°13'44"	
C6	84.15'	45°28'21"	80.00'	82.45'	AZ=288°08'19"	AZ=288°07'19"
C7	98.36'	35°13'14"	100.00'	87.86'	AZ=112°18'30"	AZ=112°15'30"
C8	59.30'	17°36'28"	100.00'	58.43'	AZ=167°22'21"	
C9	75.11'	03°08'17"	1382.39'	75.10'	H85°26'18"E	AZ=85°26'18"E
C10	27.86'	1382.39'	1708.17'	27.86'	H87°42'08"E	
C11	375.92'	1382.39'	1534.51'	374.76'	H75°20'05"E	
C12	23.14'	200.00'	1578.58'	23.19'	H14°30'37"W	

LEGEND

- D.E. Drainage Easement
- U.E. Utility Easement
- (M) - Measured Distance/Azimuth
- (R) - Recorded Distance/Azimuth
- IRON PIPE WITH PLASTIC CAP STAMPED R.L.S. #21940 SET
- FOUND MONUMENT (IRON PIPE UNLESS OTHERWISE NOTED)
- COMPUTED POINT

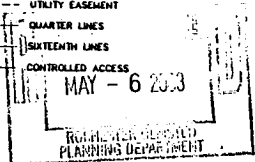
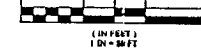
UTILITY EASEMENT

QUARTER LINES

SIXTEENTH LINES

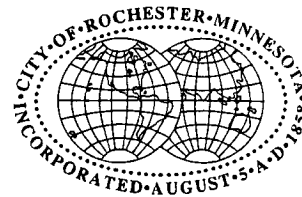
CONTROLLED ACCESS

GRAPHIC SCALE



SHEET 2 OF 2

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ROCHESTER-OLMSTED
PLANNING DEPARTMENT

2122 CAMPUS DR SE

ROCHESTER MN 55904-4744

ADMINISTRATION/
PLANNING 507/285-8232

GIS/ADDRESSING/
MAPPING 507/285-8232

HOUSING/HRA 507/285-8224

BUILDING CODE 507/285-8213

WELL/SEPTIC 507/285-8345

FAX 507/287-2275

TO: Rochester Common Council

FROM: Mitzi A. Baker, Senior Planner

DATE: May 13, 2003

**RE: Final Plat #03-15 to be known as Sunset Trail, to re-plat Lot 1,
Block 1, Trailridge At 41st By IRET.**

Planning Department Review:

Applicant/Owner:

IRET
Michael A. Bosh
PO Box 1988
Minot, ND 58702-1988

Surveyors/Engineers:

GGG
241 North Winona Street
Chatfield, MN 55923

Report Attachments:

1. Referral Comments
2. Location Map
3. Copy of Final Plat

Plat Data:

Location of Property:

This plat is located along the north side of 41st Street NW, east of the Douglas Trail.

Zoning:

The property is zoned R-3 (Medium Density Residential).

Proposed Development:

Two apartment complexes currently occupy the property, which is platted as Lot 1, Block 1, Trailridge At 41st by IRET.

Streets:

There are no new roadways being dedicated with this Plat. The adjacent road right-of-way was previously dedicated or platted.



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Planning Staff and Recommendation:

Staff would recommend approval subject to the following conditions:

1. ***An access easement document shall be recorded concurrent with recording the Final Plat documents to ensure perpetual access across and between Lots 1 and 2, and shall establish a clear policy on how maintenance will be handled. Public safety personnel and their vehicles shall be assigned the right of passage at all times.***

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 5/13/03

The Department of Public Works has reviewed the application for Final Plat #03-15, on the Sunset Trail (replat of Lot 1, Block 1, Trailridge @ 41st by IRET) property. The following are Public Works comments on this request:

1. This property is subject to the terms of the executed Development Agreement and Pedestrian Facilities Agreement for Trailridge @ 41st by IRET.

Charges/fees applicable to the development of this property are addressed in the Development Agreement and have been paid through the City-Owner Contract for Trail Ridge @ 41st by IRET.

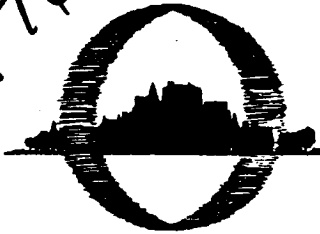
REQUEST FOR COUNCIL ACTION

MEETING
DATE: 5/19/03

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AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-8
ITEM DESCRIPTION: Text Amendment #03-03 initiated by the City Planning and Zoning Commission to amend Sec. 60.506. This amendment addresses permit approval and current zoning or related violations		PREPARED BY: John Harford, Senior Planner
<p>May 12, 2003</p> <p><u>City Planning and Zoning Commission Recommendation:</u></p> <p>On March 26, 2003 the City Planning and Zoning Commission initiated a text amendment to Section 60.506. A public hearing was held by the CPZC on April 23, 2003. Section 60.506 of the ordinance covers the issuance of zoning certificates by the city. The proposed language states that a zoning certificate for a subject property must be denied if the property has an outstanding violation of a federal, state, or city land use law or noncompliance with a city development agreement. The Planning Department and City Attorney's Office had slightly different proposed language which is provided in the staff report and attachments.</p> <p>The CP&ZC discussed the application and voted to approve the proposed text amendment, with the language provided by the City Attorney's Office.</p> <p><u>Planning Department Recommendation:</u></p> <p>See the attached staff report dated April 16, 2003. Staff recommends approval of the text amendment and the City Attorney's proposed language.</p> <p><u>Council Action Needed:</u> The Council should pass an ordinance approving the text amendment.</p> <p><u>Attachments:</u></p> <ol style="list-style-type: none">1. Staff report dated April 16, 2003 and attachments.2. Minutes of the CP&ZC meeting of April 23, 2003 <p><u>Distribution:</u></p> <ol style="list-style-type: none">1. City Clerk2. City Attorney3. City Administrator4. Planning Department File		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

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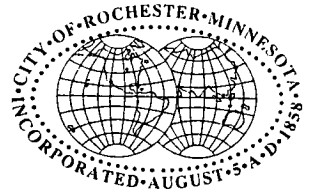


ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted



TO: CITY PLANNING AND ZONING COMMISSION

FROM: JOHN HARFORD, SENIOR PLANNER

DATE: April 16, 2003

RE: Text Amendment #03-03 initiated by the City Planning and Zoning Commission, to amend Section 60.506 of the Rochester Zoning Ordinance and Land Development Manual. This amendment addresses permit approval and current zoning or related violations.

Applicant:

City Planning and Zoning Commission

Proposed Text Amendment:

The CPZC initiated a text amendment to Section 60.506 of the zoning ordinance that addresses the issuance of permits and certificates.

Land Use Plan:

The Land Use Plan does not specifically address this issue.

Zoning:

Currently, Section 60.506 provides the guidelines for the zoning administrator in issuing zoning permits.

Referral Comments:

Those agencies responding had no comments.

Analysis:

The Rochester Zoning Ordinance and Land Development Manual has several stated purposes, including protecting the public safety and welfare, implementing the policies of the comprehensive plan, encouraging innovative land development, and creating a system of land use regulation. In order to give meaning to the land use regulations, various



procedures and standards have been made a part of the document. Among those procedures is the enforcement of the ordinance standards and development related conditions of approval.

Section 60.130 explains the process of enforcement while 60.140 covers the application and scope of the ordinance. Section 60.500 provides the city with an administrative process for development/permit processing. And in particular, Section **60.506** establishes the procedure for issuing zoning permits and certificates. Staff is of the opinion that these administrative sections should be in concert with one another, and for the most part they are just that. However, in one important way they are not.

The issue that the staff periodically experiences is a request for a zoning certificate or permit on a property while, at the same time, there is an ongoing violation of the very same zoning ordinance that the applicant is complying with to gain additional rights for the development or use of the property. In some cases there are violations of related county, state or federal laws that are related to land/property use (including but not limited to the, city wetland ordinance and related federal wetland rules, federal billboard rules administered by MNDOT, county solid waste ordinance, city grading requirements as they appear in Ch. 50 of the Rochester Code of Ordinances, city development agreements, Public Waters rules, Building Code rules). It does not make much sense for the city to be in the middle of an enforcement action against a property and landowner while at the same time issuing permits for additional activities on the same property, unless the permit is needed to correct the violation.

As a result of a number of incidents of violations of various sorts over the years the staff is recommending that the ordinance be amended to recognize this inconsistency and to correct it. Section 60.134 states that "Once a notice of violation has been served, no work shall proceed on any development covered by such orders, except in a manner consistent with those orders and this ordinance", meaning the zoning ordinance. An amendment to Section 60.506 is the reasonable place to locate an additional resolution of the issue that addresses the broader matter of use and development.

The language that is being proposed for 60.506 is as follows:

5) The zoning administrator must deny the permit if:

- A. the property is covered by a violation notice or legal action as a result of a violation of any federal, state, county or city land use law, land development related action covered by the Rochester Code of Ordinances, or land use, development or building related rules of federal, state or county agencies.**
- B. any city development agreement covering the subject property has not been complied with.**

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Staff Recommendation:

Staff recommends that the CPZC and City Council amend Section 60.506 by adding subpart 5.

Findings:

The criteria that need to be addressed for a text amendment include:

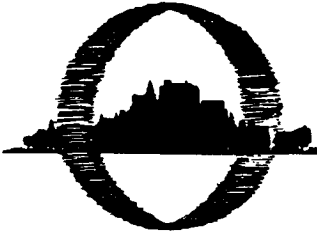
1. Whether there is a public need for the amendment.
2. Whether the amendment will accomplish one or more of the purposes of this ordinance, the Comprehensive Plan or other adopted plans or policies;
3. Whether adoption of the amendment will be lawful.

Findings could be as follows:

1. There is a need for the city to provide a clear process for correction of zoning and related land use violations. This provision will support the City's efforts at enforcing the provisions of the zoning ordinance and create an internal consistency.
2. The amendment will assist the city in bringing violations into compliance. Rules without enforcement create inequities among landowners, reduces public safety, affects the public general welfare, and can create lingering problems for property owners or permit holders. Further one of the stated purposes of the ordinance is for the city to have a violation brought into compliance.
3. The proposed change is considered reasonable and lawful. It has been reviewed by the City Attorney.

Attachments:

1. Zoning Ordinance text – Section 60.506, 60.130, and 60.111.



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF
Olmsted



TO: CITY PLANNING AND ZONING COMMISSION

FROM: JOHN HARFORD

DATE: APRIL 17, 2003

RE: TEXT AMENDMENT #03-03

Terry Adkins, City Attorney has supplied an alternative as follows:

- 5) **The zoning administrator must deny the permit if:**
- A. **The property is subject to a pending notice of violation or legal action as a result of a violation of any federal, state, county or city land use law or administrative rule;**
or
 - B. **The property is subject to a development agreement any provision of which remains unsatisfied.**

This alternative proposal does simplify the language and reduces the redundancy of the staff proposal. However, staff is of the opinion that the language should not include "pending"; the provision should not apply unless the Planning Department has already issued the violation notice.



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- 7) In the case of an application for an advertising sign, the applicant must identify all existing advertising signs within 1200 feet of the proposed site. If the application's proposed site does not satisfy the minimum distance requirements from another advertising sign, the application must contain written consent from the owner of the property upon which the existing advertising sign is located indicating the owner will not exercise those rights provided by Section 60.509 (4).

60.505 Submission of Development Permit Application: Application materials shall be submitted to the zoning administrator who shall have the date of submission indicated on each copy of the material submitted. Within three (3) days, the zoning administrator shall determine whether the application is complete. If the zoning administrator determines that the application is incomplete or otherwise does not conform to the provisions of this ordinance, the zoning administrator shall immediately notify the applicant of the negative determination by personal service or registered mail. An application for which a negative determination has been made may be resubmitted after revision to overcome the reasons for the negative determination. If a development application is complete and in conformance with the provisions of this ordinance, the zoning administrator shall accept it, noting the date of acceptance.

60.506 Issuance of Permits and Certificates: In issuing certificates and permits, the zoning administrator shall be guided by the following provisions.

- 1) **Action on accepted application:** Following acceptance of an application, the zoning administrator shall either issue or deny a permit or certificate within the following time frames:

Zoning Certificates	10 days
Sign Permits	10 days
Housing Certificates	5 days
For Other Applications not Requiring Approvals by Others	20 days
Applications Requiring Approval or Review by Others	7 days (following approval by others)

- 2) The zoning administrator's decision to either approve or deny the application shall be based on the evidence submitted with the application, its conformance with the provisions of the this ordinance, comments from referral agencies, and approvals of other bodies as required.
- 3) The zoning administrator shall issue the development permit if he finds the applicable approvals by others have been granted and the proposed development otherwise conforms to the requirement of this ordinance.
- 4) The zoning administrator shall deny the development permit if the required approvals are not obtained or the application fails to comply with ordinance requirements.

60.507 Notice of Action: The zoning administrator shall notify the applicant as to the final disposition of the application. The notice shall indicate the date when the decision will take effect and shall describe the right of appeal pursuant to Article 60.700 of the

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60.123 **Planning and Zoning Commission:** There shall be a Planning and Zoning Commission established as organized under Chapter 20 of the Rochester Code of Ordinances. The Commission shall have advisory and decision making powers relative to various administrative procedures as identified in the ordinance.

60.124 **City Council:** The City Council as organized under Chapter VIII of the Charter of the City of Rochester, Minnesota, which shall have various decision making powers granted to it as identified in the ordinance.

60.130 ENFORCEMENT POLICY

It is the policy of the City that the purpose and intent of this section will normally be served best if the zoning administrator first seeks to have a violation brought into compliance.

60.131 **Zoning Administrator to be notified of Violations:** Whenever a violation of this ordinance is known or suspected to exist or expected to be committed, any person may so notify the zoning administrator. All officers and agencies of the City of Rochester shall notify the zoning administrator of any information which suggests that a violation exists or is expected to be committed.

60.132 **Zoning Administrator to Investigate Violations:** Upon receiving any information which suggests a violation, the zoning administrator shall conduct an investigation to determine whether a violation exists or is reasonably expected to be committed. To this end, the zoning administrator and his authorized representatives are hereby empowered to cause any building, other structure, or tract of land to be inspected and examined. Where necessary, the zoning administrator may call upon the Chief of Police for assistance.

60.133 **Notice of Violation:** The zoning administrator shall, if he determines a violation to exist or is reasonably expected to be committed, promptly give notice by regular mail, or by personal service to the owners of record for tax purposes of the property involved. The notice shall indicate the location and nature of the violation, the provision or provisions of the ordinance which have been or are expected to be violated, and whether immediate enforcement will be sought or up to thirty days allowed to correct or remove the violation. The zoning administrator, or employees under his supervision, may issue a citation for those offenses which are listed on the local fine and bail schedule by the District Court. A defect in the notice of violation with respect to any such matters shall not prevent the enforcement of this ordinance.

60.134 **Discontinuance of Work:** Once the notice of violation has been served, no work shall proceed on any development covered by such orders, except in a manner consistent with those orders and this ordinance. It shall be a separate misdemeanor violation for any person to continue any development in a manner inconsistent with the orders or this ordinance.

60.135 **Enforcement After Expiration of Time Period:** If, after the time period provided in the notice of violation has elapsed and the alleged violation has not been corrected or brought into compliance, the zoning administrator shall consult with the city attorney, and the city attorney shall initiate any legal or equitable action which is deemed appropriate. Such action shall not be initiated if: a) an appeal of the notification of

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CHAPTER 60 INTRODUCTORY PROVISIONS

60.100 TITLE

This ordinance shall be known and cited as the "Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota" and may be referred to herein as the "zoning ordinance" or "ordinance".

60.110 AUTHORITY

The 1965 Laws of Minnesota, Chapter 462, authorizes the municipality to administer planning and zoning activities, establish a Zoning Board of Appeals, enact official controls, and provide penalties for violation thereof. Chapter 104 and 105 of the Minnesota Statutes authorize minimum standards and criteria for the management of "Shoreland" and "Floodplain" Areas within the City of Rochester.

60.111

Statement of Purpose: In order to protect the public health, safety, morals and general welfare of the community, this ordinance is adopted by the City Council for the purposes identified in Chapter 462 of the Statutes of the State of Minnesota which relate to Municipal Planning (in particular, paragraphs 462.351 through 462.365), for the purpose of implementing the policies set forth in the Comprehensive Plan of Rochester, to encourage innovation in land development by removing regulatory barriers to the consideration of new or unique ideas which are consistent with the purposes and policies referenced, and to create a system of land use regulation that is intent on finding equitable solutions to the land use conflicts which routinely arise as development occurs, so as to provide for the orderly development of land within Rochester and to conserve the value of land and buildings.

60.112 The provisions of this ordinance shall be regarded as the minimum requirements for the protection of the public health, safety, and general welfare.

60.113 The ordinance and the various articles and paragraphs thereof are hereby declared to be severable. If any article, section, subsection, paragraph, sentence or phrase of the ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

60.120 ADMINISTRATIVE BODIES

60.121 **Zoning Administrator:** There is hereby established the office of Zoning Administrator. It shall be the duty of the zoning administrator to enforce the ordinance in accordance with its administrative provisions. The Planning Director, as provided for in RCO, Chapter 20.16, or his authorized representative shall serve as the zoning administrator.

60.122 **Zoning Board of Appeals:** There shall be a zoning board of appeals consisting of seven members, one of whom shall be a member of the commission. All members shall be appointed by the Mayor with the approval of the council. Members shall serve for a term of three years, except the commission representative, who shall serve for a term of one year. No member shall serve more than two consecutive terms. The board shall choose a chair from among its membership and determine its rules of proceeding, a copy of which shall be filed with the zoning administrator.

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the Owner. Erosion and sediment control that may result from the development of Lot 1, Block 2 will be managed with a temporary on-site sediment pond and associated erosion control strategies. The Owner proposes to manage post development runoff from Lot 1 Block 2 by directing all of the surface flow to a planned bioswale drainage way and private two-cell stormwater management pond to be built by July 1, 2005 on the Owner's adjacent land. Owner agrees to leave the temporary on-site sediment control pond in place until the permanent off-site private facilities are constructed. Owner agrees to pay a Storm Water Management fee only if the private off-site facilities are not constructed by July 1, 2005. Existing and proposed stormwater management facilities owned and maintained by Owner may need to be modified in the future to handle any increase in stormwater runoff attributable to the actual impervious area of the development parcels. Owner agrees to formalize these requirements by execution of a Development Agreement for the entire Property.

3. Access control shall be dedicated along the entire length of 19th Street NW when the property is re-platted except where the approved access location is shown. The northbound approach on the interior roadway to 19th St. NW should be designed with two approach lanes to provide a lane for right turn traffic and a lane for left turn traffic. There also should be an eastbound right turn lane on 19th street NW at the access point to 19th St. NW.
4. At the time of re-platting the applicant shall coordinate with the City Public Works Department to determine if additional right-of-way needs to be dedicated for 19th Street NW to accommodate turn lanes.
5. The Owner is obligated to provide pedestrian facilities along both frontages of the Property abutting Industrial Dr NW/Opportunity Rd NW. The Owner may request through the Development Agreement to execute a Pedestrian Facilities Agreement to address its obligations, in lieu of constructing the required facilities concurrent with development of the Property.
6. At the time of re-platting of the property or development of this site, the replacement plan approved in 1992 for this property shall be reviewed and resubmitted for approval.

* Text Amendment #03-03 initiated by the City Planning and Zoning Commission, to amend Section 60.506 of the Rochester Zoning Ordinance and Land Development Manual. The amendment addresses permit approval and current zoning or related violations.

Mr. John Harford presented the staff report, dated April 16, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Harford explained that he received comments from the City Attorney asking for some slight changes. He indicated that he agreed with the changes, except for changing a word to "pending."

Mr. Harford stated that Public Works indicated that they did not have any concerns regarding the recommendation regarding development agreements.

Mr. Harford explained that violations are a complaint driven system. He discussed how violations are process through the Planning Department.

Ms. Alfredson, City Attorney, stated that she spoke with Mr. Adkins regarding his proposed language. She indicated that it was felt that there should be some definite period of time legal action could be taken. Therefore, she indicated that he suggested the work "pending." She further explained the process of sending a violation, going through a court process, then through the violation process again after the person has been fined and has yet to adhere to the violation.

With no one else wishing to be heard, Mr. Quinn closed the public hearing.

Ms. Petersson moved to recommend approval of Text Amendment #03-03 initiated by the City Planning and Zoning Commission with the language suggested by the City Attorney and with the staff-recommended findings. Mr. Ohly seconded the motion. The motion carried 8-0.

OTHER BUSINESS:

1. As may be brought up with members

Discussion ensued regarding the status of the residential parking ordinance.

ADJOURN:

Motion made by Ms. Rivas to adjourn, seconded by Ms. Petersson. Mr. Michael Quinn, Vice Chair, adjourned the meeting at 8:30 p.m.

Respectfully Submitted:

Philip H. Wheeler, AICP

Ms. Lisa Wiesner, Chair

jlg

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 5/19/03

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AGENDA SECTION: RESOLUTIONS AND ORDINANCES	ORIGINATING DEPT: CITY ATTORNEY'S OFFICE	ITEM NO. G
ITEM DESCRIPTION: RESOLUTIONS AND ORDINANCES		PREPARED BY: TERRY ADKINS 7/2/5
<p>G. 1. RESOLUTIONS</p> <p>G. 2. FIRST READING OF ORDINANCES, as appropriate.</p> <p>G. 3. SECOND READING OF ORDINANCES (for adoption).</p> <p>a) An Ordinance Annexing To The City Of Rochester Approximately 12.41 Acres Of Land Located In A Part Of The East Half Of Section 8, Township 106 North, Range 14 West, Olmsted County, Minnesota. Said property is located North of Salem Road SW, North of proposed Bamber Valley Estates Development and East of Bamber Valley Farms Second Subdivision.</p> <p>b) An Ordinance Amending And Reenacting Section 60.175 Of The Rochester Code Of Ordinances, Relating To Land Use And Development Processing Fees.</p> <p>G. 4. MISCELLANEOUS</p>		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

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Rochester-Olmsted Planning Department
2122 Campus Drive SE – Suite 100
Rochester, MN 55904-4744
(507) 285-8232

TO: Terry Adkins, Rochester City Attorney

FROM: Larry Klemenhausen, AICP

DATE: May 12, 2003

RE: Grading/Erosion Permit Fee

The Council's second reading of Text Amendment #03-02 to Section 60.175 Fees should include one minor change to this amendment. The Grading/Erosion Permit Fee beginning June 1, 2003, should have read \$130 per application, rather than the \$155 per application as approved.

The revised fee, \$130 per application, is consistent with the changes to the other fees within this amendment. The Grading/Erosion Permit Fee is currently \$110 per application.

As Approved:

Other Zoning Permits	Rate of Fee		
	June 1, 2003	January 1, 2004	January 1, 2005
Grading/Erosion Permit	\$155 per application	\$150 per application	\$175 per application

Revised Fee:

Other Zoning Permits	Rate of Fee		
	June 1, 2003	January 1, 2004	January 1, 2005
Grading/Erosion Permit	\$130 per application	\$150 per application	\$175 per application

If you have any questions, please call me at (507) 285-8511.

Thank you.